

SDMS US EPA REGION V -1

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August 26, 1994

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*FL BAR ONLY

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RICHARD P. BOEHMER
OF COUNSEL

BY FEDERAL EXPRESS

Ms. Marsha A. Adams

SHSM-5J

Responsible Party Search Section

USEPA Region V

77 West Jackson Boulevard

Chicago, Illinois 60604-3590

RECEIVED
AUG 30 1994

SUPERFUND PROGRAM
MANAGEMENT BRANCH

Re: Request for Information Pursuant to Section 104(e) of CERCLA for the Sauget Area 1 Sites in Sauget Illinois

Dear Ms. Adams:

This office represents Cerro Copper Products Company in conjunction with the above referenced information request. In accordance with agreements reached with Thomas J. Martin of the Office of Regional Counsel, Cerro is required to make an initial production which is to consist of information in Cerro's possession relating to Site G, information relating to other parties potentially responsible for the Area 1 Sites and documents that Cerro has gathered in conjunction with the lawsuit styled Cerro Copper Products Company v. Monsanto Company, currently pending in the United States District Court for the Southern District of Illinois. The balance of Cerro's response to the information request will be due on October 17, 1994.

In accordance with this agreement, we enclose as Attachment 1 documents that Cerro has collected relating to Site G. We enclose as Attachment 2 documents that Cerro has collected relative to other parties potentially responsible for the Area 1 sites. We enclose as Attachment 3 indices either to documents that Cerro has produced to Monsanto from its own files

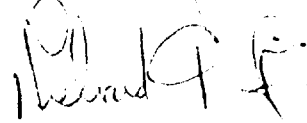
August 26, 1994

or collected pursuant to third party subpoenas or FOIA requests. We note that certain documents included in these indices may relate to Site G and/or other PRPs, and such documents have not been separately produced, although we would be happy to do so. We will make the documents covered by the indices available for inspection and copying at a mutually convenient time and place.

We note in this regard that the information request calls for production of all documents in Cerro's possession relating to the litigation, including documents obtained in discovery. While Cerro has obtained through discovery a large number of documents from Monsanto which are responsive to your information request, we are currently prohibited from producing those documents by the terms of a Protective Order entered by the Court on November 17, 1993, a copy of which order we previously forwarded to Mr. Martin. Cerro takes very seriously its obligations under section 104(e) of CERCLA to produce responsive information in its possession, custody or control. To that end, Cerro has proposed to Monsanto that both companies agree to waive the Protective Order's provisions precluding disclosure so that each company can respond fully to the information request. Monsanto has not yet responded to this proposal. Production of documents covered by the Protective Order without a waiver by Monsanto or a modification of the Order could place Cerro in contempt of Court. Accordingly, we respectfully request that the Agency excuse Cerro from producing to the Agency those documents that it has received from Monsanto under a designation of confidentiality pursuant to the Protective Order. If the agency is unable to so excuse Cerro, then we request that you so advise us as soon as possible so that, in the event we are unable to reach an agreement with Monsanto, we can advise the Court of the outstanding Agency request and take whatever steps are necessary to assure that we can meet our obligations both to the Agency under section 104 and to the Court under its Protective Order.

We thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard F. Ricci", written over a horizontal line.

Richard F. Ricci

RFR:ljc

ATTACHMENT I



CERRO COPPER PRODUCTS CO.

P.O. Box 66800

St. Louis, MO 63166-6800

618/337-6000

June 1, 1990

Mr. Edwin L. Noel, P. C.
Armstrong, Teasdale, Schlafly,
Davis & Dicus
Attorneys at Law
One Metropolitan Square
St. Louis, MO 63102-2740

RE: Sauget Sites Area II, Site "Q"

Dear Ted:

Please forgive this late response to your letter of May 11, 1990, requesting Cerro's consent to your representation of Eagle Marine Industries PRP's in Site "Q". I am beginning to catch up on my organizing effort of a trip abroad and

Cerro Copper Products
tion of Eagle Marine I
believe itself to be e
does not expect to be

AH 1

your representa-
as it does not
ith this site and
ite "Q".

Accordingly, we do not deem it to be a conflict of interest for your law firm to represent Eagle Marine Industries in this effort, and we wish you and your client every success in this endeavor.

Kindest personal regards,

Very truly yours,

CERRO COPPER PRODUCTS CO.

Paul Tandler
Vice President

PT/ge

bcc: H. L. Schweich
J. Grana
M. Rodburg
File



A member of The Marmon Group of companies

JUL 18 1994
11/12/94

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Ms. Marsha A. Adams

SHSM-5J

Responsible Party Search Section

USEPA Region V

77 West Jackson Boulevard

Chicago, Illinois 60604-3590

R E C E I V E D
AUG 30 1994

SUPERFUND PROGRAM
MANAGEMENT BRANCH

**Re: Request for Information Pursuant to Section 104(e) of CERCLA for
the Sauget Area 1 Sites in Sauget Illinois**

Dear Ms. Adams:

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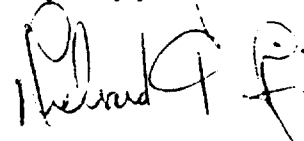
August 26, 1994

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We thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Richard F. Ricci", with a stylized flourish at the end.

Richard F. Ricci

RFR:ljc

JUL 13 1994

SHSM-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Request for Information Pursuant to Section 104(e) of CERCLA
for the Sauget Area 1 in Sauget, Illinois.

Dear Sir or Madam:

This Agency is conducting an investigation of the release or threatened release of hazardous substances at the Sauget Area 1 Site in Sauget and Cahokia, Illinois (see attached map) during the time period of 1930 to the present time. The Agency is also investigating how the substances at the Site came to be located there.

Under federal law (Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)), you must respond to the enclosed information requests. If you do not respond fully and truthfully to each of the questions within thirty (30) days of your receipt this letter, enforcement action will be brought against you by seeking penalties from a federal court of extensive fines and/or imprisonment.

Your response to this Information Request should be mailed to Marsha A. Adams, SHSM-5J, Responsible Party Search Section, at the above address. You may call her at (312) 353-9484.

Please direct any legal questions you have to Thomas J. Martin at (312) 886-4273. If you have any other questions, contact Jeffrey B. Gore at (312) 886-6552.

Thank you for your cooperation in this matter.

Sincerely,

Thomas W. Mateer, Chief
Superfund Program Management Branch

bcc: Jeff Gore HSRL-65
 Sam Borries HSE-5J
 Paul Takacs Project Manager, IEPA
 Thomas Martin CM-3T
 Deena Sheppard HSM-5J
 Carolyn Bohlen HSM-5J

CONCURRENCE REQUESTED					
RESPONSIBLE PARTY SEARCH SECTION, SPMB, OSF					
AUTHOR	SECT'Y	SEC CHIEF	BR CHIEF	RPM/WMD	ORC
1/1/94	PR 7/1/94		5/1/94	informed CRC in State lead rule did not	edited & returned for 2nd-011 7/7/94

need to sign
 off - by whom
 7/1/94

7/13/94
 This letter & tailored
 questions went to
 Monsanto & Cerro
 Copper Products Co.

INSTRUCTIONS

NOTE

PURSUANT TO THE AUTHORITY OF SECTION 104(E) OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT (CERCLA), 42 U.S.C. 9604(E), AS AMENDED BY THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986, PUB. L. 99-499, YOU ARE HEREBY REQUESTED TO RESPOND TO THE INFORMATION REQUESTS ENCLOSED. COMPLIANCE WITH THE ENCLOSED INFORMATION REQUESTS IS MANDATORY. FAILURE TO RESPOND FULLY AND TRUTHFULLY TO EACH AND EVERY INFORMATION REQUEST WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS LETTER, OR TO ADEQUATELY JUSTIFY SUCH FAILURE TO RESPOND, CAN RESULT IN ENFORCEMENT ACTION BY U.S. EPA PURSUANT TO SECTION 104(E)(5) OF CERCLA WHICH, AS AMENDED, AUTHORIZES THE UNITED STATES TO SEEK PENALTIES FROM A FEDERAL COURT OF UP TO \$25,000 FOR EACH DAY OF CONTINUED NON-COMPLIANCE. PLEASE BE FURTHER ADVISED THAT PROVISION OF FALSE, FICTITIOUS, OR FRAUDULENT STATEMENTS OR REPRESENTATIONS MAY SUBJECT YOU TO CRIMINAL PENALTIES OF UP TO TEN THOUSAND DOLLARS (\$10,000) OR UP TO FIVE (5) YEARS OF IMPRISONMENT OR BOTH UNDER 18 U.S.C. 1001.

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information is not known or is not available to the Respondent as of the date of submission of his/her response, should information later become known by or available to the Respondent, Respondent must supplement his/her response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of his/her response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify U.S. EPA thereof as soon as possible.

5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or other handling practices of the Respondent between, unless otherwise noted, 1930 and the present. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.
8. If any document responsive to a request was, but no longer, in the possession, custody, or control of Respondent, provide the following information:
 - a. state the disposition of the document;
 - b. state the date such disposition was made;
 - c. identify the present custodian of the document, state his address or, if the document no longer exists, so state;
 - d. identify the person who made the decision regarding the disposition of the document;
 - e. state the reason for the disposition; and

- f. describe the document and the contents of the document, including the title, date, author, addressees, locations and number of copies made and the location of the copies.
- g. state whether the document was disposed of pursuant to and in compliance with a company document management policy.
9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36901 et seq. (September 1, 1976); 43 Federal Register 4000 et. seq. (September 8, 1978); 50 Federal Register 51654 et. seq. (December 18, 1985).] If no such claim accompanies the information when it is received by U.S. EPA, it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA. In order to facilitate handling any confidential business or financial information, please provide such information on separate pages and group all such pages together in one portion of the response. Clearly identify the information as confidential by placing the word "confidential" in the upper right hand corner of the first page containing the information and on the cover letter transmitting it.
10. U.S. EPA has the authority to use the information requested herein in an administrative civil or criminal action.

DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, partners, successors, assigns, subsidiaries and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" shall mean and include the property designated on the attached map as "Area 1" located in Sauget and Cahokia, Illinois.
4. The facility shall mean the Cerro Copper Products Company ("Cerro") facility located on Queeny Street and Mississippi Avenue in Sauget, Illinois.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.
6. The term, "pollutant" or "contaminant", shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
7. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
8. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above, including PCBs, and shall include all by-product and off-specification wastes used or generated by the Respondent.

10. The term "non-hazardous material" shall mean all pollutants and contaminants, as defined above, excluding hazardous material.
11. The terms, "furnish", "describe", or "identify" or "indicate", shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
12. The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known business address and telephone number, present or last known home address and telephone number, and present or last known job title, position or business.
13. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
15. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
16. "Transaction" or "Transact" means every separate act, deal, instance, occurrence, sale, transfer, giving, delivery, change in ownership, or change in possession.

17. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
18. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these information requests any information which might otherwise be construed to be outside their scope.
19. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
20. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Part 260-280, in which case the statutory or regulatory definitions shall apply.

CERRO COPPER PRODUCTS COMPANY REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents, clearly indicating on each document the question(s) to which it is responsive.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous materials at the Site or at your facility, particularly those who worked for Cerro during the period prior to 1967.
6. Identify and describe the acts or omissions of any person, including your employees, contractors, or agents, that caused or may have caused the release or threat of release of hazardous materials from the facility, as well as any damages resulting therefrom.
7. Identify all persons, including yourself, who have arranged or may have arranged for disposal or treatment, or for the transportation for disposal or treatment, of hazardous materials at or to the Site, with particulate attraction to persons who performed these duties prior to 1967. In addition, identify the following:
 - a) The person(s) with whom you or such other person(s) made such arrangements;
 - b) Each date on which such arrangements took place;

- c) For each transaction, the nature or the material, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the hazardous material was used or the process which generated the material;
- d) The owner of the materials so accepted or transported;
- e) The quantity of the materials involved (weight or volume) in each transaction and the total quantity for all transactions;
- f) All tests, analyses, and analytical results concerning the materials;
- g) The person(s) who selected the Site as the place to which the materials were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g., above, intended to have such materials transported and all evidence of this intent;
- j) Whether the materials involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the materials once they were brought to the Site;
- l) The final disposition of each of the materials involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the material involved in each transaction.
- n) The type and number of containers in which the materials were contained when they were accepted for transport, and

subsequently until they were deposited at the Site, and all markings on such containers:

- o) The price paid for (i) transport (ii) disposal or (iii) both of each material.
 - p) Copies of all documents containing information responsive to a - o above.
 - q) All persons with knowledge, information, or documents responsive to a - o above.
8. Provide a detailed listing of products, including by-products, manufactured or produced at the facility for the time period between 1900 and 1982.
9. Describe the manufacturing and recycling processes for the products that were manufactured at the facility during the time period.
10. Identify the raw materials (e.g. scrap copper, copper wire, copper solutions, etc.) received, and the chemical additives and catalysts (both organic and inorganic) used, to produce finished products at the facility.
11. Did Cerro or any of its predecessors (e.g. Cerro DiPasco, Lewin Metals, etc.) accept transformers at this facility for the purposes of recycling or recovering copper from the copper cores? How were waste oils from the transformers handled and disposed of?
12. List the specific types of organic or inorganic substances used or generated at the facility up until 1982, along with the specific time periods in which each was used or generated.
- a. Provide the weight and/or volume of the total amount of each organic or inorganic substance used or generated at the facility.
 - b. Describe the nature of the substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and;

- c. Describe the process for which the substance was used or the process which generated the substance.
13. How were contaminated soil, contaminated clothing/protective gear, and laboratory wastes handled and disposed of by the facility? Were these items commingled with waste products before disposal?
 14. Describe the methods used at this facility to handle process wastewater and sanitary discharges prior to the facility hooking up to the Village of Monsanto's sewer system. When did the facility hook up to this system?
 15. Prior to the construction of the Village of Monsanto's sewer system, was it a practice of Cerro Copper or its predecessors (or other industries in the Village of Monsanto) to discharge process wastewaters, sanitary discharges, and/or liquid chemical wastes directly into Dead Creek? If so, describe the nature, volume, frequency, and cause of such discharges.
 16. Were any sanitary or process wastewaters discharged to Dead Creek after the construction of the Village of Monsanto's sewer system? If so, describe the nature, volume, frequency, and cause of such discharges.
 17. Describe the methods used by Cerro Copper and its predecessors to dispose of solid wastes generated from its furnaces at the facility. Were these solid waste materials used as cover material at Sites G, H, I and L in Sauget Area 1?
 18. Describe the nature, characteristics and constituents present in the blast furnace slag and furnace brick which Cerro deposited in sites located within Sauget Area 1. Include all Material Safety Data Sheets for these materials and all analysis regarding their metals and/or hazardous substances content.
 19. Provide all information and/or documents (other than property title information) supporting Cerro's listing of each "Possible Potentially Responsible Parties" in its correspondence to IEPA dated November 30, 1989, including any and all information concerning those

parties activities in transporting waste to Area 1 sites via waste disposal contractors.

20. Provide all RCRA Section 103(c) "Notification of Hazardous Waste Site" forms ever completed and/or filed by Cerro for the facility.
21. In your March 28, 1990 Answer to an IEPA Information Request, you state in Answer 1 that process wastewater "may have contained metals as well as nonmetallics such as chlorides and calcium". Provide a specific list of metals and nonmetallics referenced in the Answer, based on information in your possession or on the type of process operations which were occurring at the Cerro facility during this time frame.
23. Provide all documents and information in your possession relating to the drum incident which occurred on Cerro property on September 20, 1989, including the current status of any and all lawsuits filed as a result of this incident.
24. Were off-specification products treated as wastes at the facility? Provide information and documents concerning Cerro's treatment and disposal practice or policy concerning off-specification products.
25. As the Cerro facility evolved over the years, how has the disposal of obsolete process equipment been handled? Describe the disposition of such equipment.
26. Were any hazardous materials generated or used at the facility ever disposed of on facility property? If so, describe the nature, volume, and location of such wastes.
27. Were disposal activities referenced in Request 26, above carried out by Cerro employees or outside personnel or waste contractors? Identify all companies and individuals which carried out these activities.
28. Does Cerro disagree with the contention that at least a portion of the Sauget Area 1 sites contain wastes generated from the Cerro facility? If Cerro so disagrees, provide all information and documentation which supports this position.

29. Identify all waste disposal contractors employed or used by Cerro for the period ending in 1967. Also:
- Describe how these disposal contractors handled Cerro non-hazardous and hazardous materials, including the terms of any contractual arrangements with each;
 - Describe how Cerro controlled where and how these waste disposal contractors disposed of these materials;
 - Was it Cerro's practice or policy to dictate or choose where these materials would be disposed of or did Cerro leave the disposal of the materials up to its waste disposal contractors?
30. Did Cerro or any of its consultants, agents, or contractors at any time secure the services of Leo Sauget or his company (later named "Industrial Salvage & Disposal, Inc.") to process, accumulate, treat, remove, haul or dispose of any hazardous materials or fly ash generated or used at the Cerro facility? If so, describe the nature of these services, when they were rendered, and all contracts or agreements associated with these services. In particular, describe the arrangement with this company regarding where these materials and/or fly ash were to be disposed of.
31. Did Cerro or any of its consultants, agents, or contractors at any time secure the services of Paul Sauget or Sauget & Company to perform any of the services referenced in Request 30, above? If so, describe the nature of these services, when they were rendered, and all contracts or agreements associated with these services. In particular, describe the arrangement with this company regarding where Cerro wastes and/or fly ash were to be disposed of.
32. Did Cerro or any of its consultants, agents, or contractors at any time secure the services of Harold Waggoner or Waggoner & Company to perform any of the services referenced in Request 30, above? If so, describe the nature of these services and all contracts or agreements associated with these services. Also describe the arrangement with this company regarding where these materials and/or fly ash were to be disposed of.

33. Describe how the interceptor junction structure at the north end of Dead Creek in the sewer system worked after the hook up to the Physical/Chemical plant. Identify the number of bypasses of the interceptor system which have occurred and the volume of wastewater discharged in each bypass event. Describe under what conditions the bypasses occurred, as well as nature of the wastewater discharged and area where these wastewaters went during and after bypass events. When was this bypass point closed and what prompted its closure?
34. Identify and describe all discharges or spills to Dead Creek from the Cerro facility before and after the Village of Monsanto's sewer system was constructed.
35. Identify and describe all past and present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Cerro facility property. For each solid waste unit identified, provide the following information:
 - a. A map showing the unit's boundaries and the location of all known solid waste units, whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
 - b. The type of unit (e.g., storage area, landfill, waste pile, etc.) and the dimensions of the unit;
 - c. The dates that the unit was in use;
 - d. The purpose and past usage (e.g., storage, spill containment, etc.);
 - e. The quantity and types of materials (hazardous substances and/or any other chemicals) located in each unit; and
 - f. The construction (materials, composition), volume, size, dates of cleaning, and condition of each unit;

- g. If the unit is no longer in use, when and how such unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit?
 - h. A complete description of any and all releases, or spills or leaks of hazardous substances, or any materials or liquids containing or contaminated with hazardous substances, from the unit.
36. Provide copies of all local (e.g. Village of Sauget or Monsanto) environmental permits or licenses ever granted for the Cerro facility or any part thereof.
37. Provide the following information for chlorobenzenes, chlorophenols, chloroanilines, nitrophenols, nitroanilines, and PCBs:
- a. A description of whether and, if so, how the substance is or was generated and/or used at the facilities;
 - b. An estimation of the quantity of the substance generated or used at the facilities;
 - c. A description of Cerro's storage, treatment, and/or disposal policies or practices for each substance throughout the operating history of the facility;
 - d. Any and all documents, reports, forms, permits or manifests indicating the substance's transportation to and/or disposal in Sauget Area 1 sites.
38. For each spill or discharge or release of any hazardous materials used or generated by the Cerro facility, including chlorobenzenes, chlorophenols, chloroanilines, nitrophenols, nitroanilines and PCBs, provide the following information:
- a. Source of spill, discharge or release;
 - b. concentration of the source;
 - c. Location of spill, discharge or release;

- d. Type of material onto which spill or discharge occurred:
 - e. Area over which spill or discharge occurred:
 - f. Date of the spill or discharge:
 - g. Summary of any test results from area where spill or discharge occurred:
 - h. Diagram or map of spill or discharge area showing location of any sampling points:
 - i. Description of any cleanup activities and summary of any post cleanup verification sample results:
 - j. Disposition of any hazardous material from any cleanup:
 - k. All reports, memoranda, or analysis concerning the spill, discharge or release.
39. For each pit, pond, lagoon, settling tank, oil/water separator, water treatment unit or similar structure located at the facility, provide the following information:
- a. Location and description of these areas or structures:
 - b. Dates of any and all cleanings or removals of any material from these areas or structures. List most recent cleanings or removals first:
 - c. Reason for each cleaning or removal:
 - d. Description of methods employed for each cleaning or removal:
 - e. Description of any hazardous material removed, including PCBs, and quantity of material removed;
 - f. Concentrations of hazardous materials removed, including PCBs, released or discharged on or off site from these areas or structures;

- g. Disposition of material removed:
 - h. Any test data, including PCB test data, concerning these areas or structures not associated with a cleaning or removal:
 - i. Identification and description of any release or discharge on or off site from these areas or structures;
 - j. Dates when release or discharges occurred:
 - k. Type of material and concentrations of releases or discharges;
 - l. Description of any cleanup activities for releases or discharges;
 - m. Summary of any post-cleanup verification sampling and disposition of material from the cleanup;
40. Provide a copy of any annual documents required to be kept for the facilities in accordance with 40 C.F.R. § 761.180(a).
41. Provide any information you have generated or gathered on groundwater flow and groundwater quality on or around the plants and/or on or around Sauget Area 1.
42. Provide any information and documents you have generated or gathered (including documents obtained in discovery in the lawsuit captioned Cerro Copper Products Co. v. Monsanto Co., Docket No. 92-CV-204 WDS) about or in any way concerning the contamination found to exist in the Sauget Area 1, including any information concerning possible potentially responsible parties and/or the source of such contamination.
43. Describe all measures taken by Cerro or its consultants which have been taken to characterize, measure, sample or in any way test for the presence of hazardous materials at or around Sauget Area 1. Provide the results of such testing.

44. Provide copies of any sampling analytical reports which are responsive to any of these questions and clearly indicate on each analytical report copy the question(s) to which it is responsive.

**CERRO COPPER PRODUCTS COMPANY RESPONSE TO
AREA I INFORMATION REQUESTS**

Preliminary Statement

Cerro Copper Products Co. ("Cerro") provides the following information in response to United States Environmental Protection Agency's request dated July 13, 1994 and received July 18, 1994. Cerro is providing this information in furtherance of its cooperative effort to address environmental conditions in the Sauget area. These responses, however, do not constitute, and should not be construed as a waiver by Cerro of any objections it might have to these requests or any future such requests. In addition, neither the submission of these responses or documents, or the information contained within them, shall constitute or be misconstrued as an admission of law or fact by Cerro.

Cerro has provided those documents responsive to Sauget Sites Area 1 - Site G in Cerro's submittal of August 26, 1994. Other than the minor portion of Site G (1 acre) for which Cerro has responded, Cerro is limiting its response to Sauget Sites Area 1 - Site I and Dead Creek Segment A, as Cerro has no knowledge or information suggesting a direct connection between its operations and any of the other Area 1 Sites.

Request 1

Identify all persons consulted in the preparation of the answers to these information requests.

Answer 1

Below is a listing of those persons Cerro consulted in preparation of this information request:

- a) Joseph Grana, current Manager of Environmental, Energy and Health Services Group.
- b) Paul Tandler, former Vice President, currently retired.
- c) Dave Durham, current Purchasing Manager.
- d) Robert Conreaux, current Vice President of Manufacturing.
- e) James Matcuk, current Vice President.
- f) Dave Cornell, current Senior Project Engineer.
- g) Bob Claywell, current Senior Project Engineer.

Request 2

Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents, clearly indicating on each document the question(s) to which it is responsive.

Answer 2

Cerro is either producing with this response those documents responsive to the Requests or has identified such documents by reference to the alpha-numeric system and descriptions in the indices provided to the Agency on August 26, 1994. Cerro will provide copies of those documents requested by the Agency.

Request 3

If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

Answer 3

Cerro believes that since the Site I landfill was once owned and operated by Leo Sauget, the heirs of Leo Sauget could provide a more complete response to some of this Information Request.

Request 4

List the EPA Identification Numbers of the Respondent

Answer 4

Cerro's EPA Identification Number is ILD080018914.

Request 5

Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous materials at the Site or at your facility, particularly those who worked for Cerro during the period prior to 1967.

Answer 5

Joseph M. Grana and Joe D. Burroughs could have knowledge or information in response to this question after 1989.

Paul Tandler and Sandy Silverstein could have knowledge or information in response to this question for periods prior to 1967.

Request 6

Identify and describe the acts or omissions of any persons, including your employees, contractors, or agents that caused or may have caused the release or threat of release of hazardous materials from the facility, as well as any damages resulting therefrom.

Answer 6

Cerro does not maintain specific records of events which may have caused releases of hazardous materials from the facility, but acknowledges that its process wastewater, sanitary wastewater, cooling water and stormwater runoff, some of which contained hazardous substances, was released into Dead Creek Segment A during the operation of its facility since 1927. Cerro wastewater documents that may be responsive to this request can be found at documents numbered C328-C1332, C1536-C1655, C3311-C3733 and C4888-C7763.

Cerro deposited on Site I internally generated construction debris, broken concrete, blast furnace slag, excess dirt from excavation within the plant, used furnace brick, cooling system solids and similar rubble, some of which may have contained hazardous substances. Because these materials were internally generated and disposed of on company-owned land, there are no shipping documents.

Request 7

Identify all persons, including yourself, who have arranged or may have arranged for disposal or treatment, or for the transportation for disposal or treatment, of hazardous materials or to the Site, with particulate attention to persons who performed these duties prior to 1967. In addition, identify the following:

- a) The person(s) with whom you or such other person(s) made such arrangements;
- b) Each date on which such arrangements took place;
- c) For each transaction, the nature or the material, including the chemical content, characteristics, physical state (e.g., soil, liquid), and the process for which the hazardous material was used or the process which generated the material;
- d) The owner of the material so accepted or transported;
- e) The quantity of the materials involved (weight or volume) in each transaction and the total quantity for all transaction;
- f) All tests, analysis, and analytical results concerning the materials;
- g) The person(s) who selected the Site as the place to which the materials were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

i) Where the person identified in g., above, intended to have such materials transported and all evidence of this intent;

j) Whether the materials involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

k) What was actually done to the materials once they were brought to the Site;

l) The final disposition of each of the materials involved in such transactions;

m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the material involved in each transaction.

n) The type and number of containers in which the materials were contained when they accepted for transport, and subsequently until they were deposited at the Site and all markings on such containers;

o) The price paid for (i) transport (ii) disposal or (iii) both of each material.

p) Copies of all documents containing information responsive to a - o above.

q) All persons with knowledge, information, or documents responsive to a - o above.

Answer 7

Due to the fact that the period in question, pre-1967, is over twenty five years ago, Cerro does not know who would have arranged for transport of hazardous materials to Site I. However, Cerro offers its responses to an August 7, 1989 Request for Information, Sauget Sites Area I & II dated October 10, 1989, in response to this Request 7, as it applies to Site I.

Prior to construction of a process wastewater interceptor sewer in 1965, portions of Cerro's process wastewater, sanitary wastewater, cooling water and stormwater flowed to Dead Creek Segment A. From there, Cerro's discharge generally flowed north into a 36" pipe that went from the northern end of Dead Creek under the Alton & Southern Railroad tracks and connected with a 24" Village sewer line that ran along the southern side of Monsanto's property. Cerro wastewater information for the period prior to the construction of the interceptor sewer can be found in documents numbered C02667-C02717 and VS0533-VS0539. In 1965 the Village constructed an interceptor sewer that collected Cerro's process discharges and pumped them through a junction box that was constructed at the northern terminus of Dead Creek, through the 36" pipeline and into the Village sewers.

This 36" line connected the Village sewers to Dead Creek as early as the 1940s. When the Village sewer system became surcharged with a heavy volume of wastewater or stormwater, the wastewater would backflow from the 24" Village line

through the 36" line into Dead Creek. When this backflow occurred, wastewater from other dischargers into the Village sewers in the area, the largest of which was Monsanto, entered Dead Creek. In addition, in these surcharge situations, Cerro's discharge was prevented from entering the Village sewer system, and instead, backed up into Dead Creek. Cerro is providing wastewater analysis typical of its discharge which would have been prevented from entering the Village sewer system after 1965 in documents C00311, C00328-C00435, C00957-C01332, C03299 and VS0541-VS0547 as shown in the August 26, 1994 document indices.

Request 8

Provide a detailed listing of products, including by-products, manufactured or produced at the facility for the time period between 1900 and 1982.

Answer 8

The following products and by-products were produced by Cerro:

- a) Electrolytic copper cathode
- b) Copper and brass ingot bars
- c) Copper and brass billets
- d) Copper and brass tube and pipe
- e) Lead-tin solder string and bars
- f) Zinc oxide baghouse dust (by-product)
- g) Silver chloride salt (by-product)
- h) Lead-tin refinery slimes (by-product)
- i) Copper bearing reverberatory furnace slag (by-product)
- j) Copper and lead blast furnace slags (by-product)

Request 9

Describe the manufacturing and recycling processes for the products that were manufactured at the facility during the time period.

Answer 9

The following are descriptions of past and present the manufacturing processes:

a) Sintering Operations (abandoned in the 1950's) - Processes used prior to blast furnace smelting to agglomerate dried lead-tin slimes (refinery by-product) or copper bearing fines into a "clinker" cake to avoid its being blown out of the blast furnace combustion chamber. The material is blended on a pallet conveyer, ignited with overhead burners, and air is blown upwards through the mixture of metal bearing charge materials, finely crushed coke and fluxes. The agglomerated material is discharged at the end of the conveyer, cooled and transferred to the respective blast furnace operations.

b) Copper Blast Furnace Operations (abandoned in 1960's) - The process was utilized to reduce reverberatory slags and other copper bearing materials containing low concentrations (20% - 30%) of copper and its alloys to a more concentrated form. A tall

water cooled column is loaded alternately with coke (the fuel), copper bearing materials (the charge), and limestone (the flux). Blower air is injected through a set of tuyeres located in the lower portion of the column, thus combining chemically with the coke to form reducing gases that permeate through the charge, melting it, and reducing oxygen containing materials to a metallic form. The crucible below the furnace column is tapped for slag off the top of the molten bath, while the metallics, called "black copper" are tapped from, the bottom of the crucible into iron molds, and allowed to cool before transfer to the anode furnace operation.

c) Lead Blast Furnace Operations (abandoned in 1950's) - The process was utilized to convert dried and agglomerated by-products of the refinery (slimes) to metallic form, containing primarily lead and tin. The process is similar to the Copper Blast Furnace operation described above, except for the composition of the charge. The metallics tapped from the furnace crucible are collected in heated vessels (open pots under fume hoods) before blending to desired lead-tin alloys, then poured into water cooled molds for solidification and further processing into marketable products.

d) Copper Anode Fire Refining Furnace Operation - The fire refining process involves the removal of impurities from a high grade scrap copper (#2 copper). The molten copper is refined by blowing air into the molten bath which is called oxidation. The oxides of the impurities form a slag which is then removed by skimming the furnace. After the slag is removed the refined copper is deoxidized with green wood poles being pushed into the bath. Once the oxygen content meets specifications the copper is cast into anodes for further refining in the Electrolytic Refinery.

e) Electrolytic Copper Refining - The electrolytic copper refining process description can be found on page 84 - 86 of the deposition of Mr. Paul Tandler dated June 7, 1994.

f) Tankhouse Slimes processing and Drying - The slimes processing description can be found on page 152 and 153 of the deposition of Mr. Paul Tandler dated June 7, 1994.

g) Billet casting Operations - The billet casting operation is the process of melting copper or brass (past operation) and pouring it into water-cooled molds of various diameters, producing a solid pole called, a log. Once cooled the logs are sawed into 25 inch long billets.

h) Seamless Copper & Copper Alloy Tube & Pipe Production - To manufacture seamless tube and pipe, a billet is transferred to either a piercing mill or extrusion press. In the case of the extrusion press the metal is heated and placed in the press. The forward motion of the press then pierces the billet with a mandrel and is then squeezed with 6,000 tons of pressure through a die. The result is a long shell which immediately enters a water trough thus cooling it. The shell is then transferred to bull blocks which draw down (reduce the diameter and wall thickness) of the shell. Once the tube is drawn to the specified size it is sent to straightening machines or recoilers. Finish tube is cut to length and in some cases cleaned to specification as required. The piercing mill process differs from extrusion by taking the heated billet and rotating it between two rolls while a revolving mandrel is piercing its center into a shell shape. Following piercing, the tube is then cooled, pickled, drawn down to the desired size, and formed into straight lengths or coils.

i) Solder Bar, Cake and String Production (abandoned in the 1950s) - The solder bar is when a properly blended lead-tin alloy is poured into open molds, water cooled from

below. The small bar or cake of solder is used in the plumbing industry for "lead" cast iron soil pipe joints or similar end uses. The solder string product was commonly used in solder joints of copper tubing and various fittings and valves used in plumbing systems. It is manufactured when small diameter billets are cast from properly blended lead-tin alloy from the Lead Blast Furnace. The billets are cold extruded in a vertical press to produce the string solder, by forcing the metal through a die with a number of apertures, depending on how many strands are to be produced simultaneously. The emerging strands are coiled and then spooled to various weight packages for the end user.

Request 10

Identify the raw materials (e.g. scrap copper, copper wire, copper solutions, etc.) received, and the chemical additives and catalysts (both organic and inorganic) used to produce finished products at the facility.

Answer 10

The following is a list of raw materials used to produce a finished product at Cerro. Scrap brass and bronze (pre-1960), Grades 1, 2, & Light scrap copper, copper cathode, copper ingot and wire bar, blister copper, 85-15 phos copper cake & pellets, iron breakage, coke, limestone, sand, sulphuric acid, hydrochloric acid, nitric acid, hydrogen peroxide, glue, acetone, stripping solution, lubricants (petroleum & synthetic products), chlorinated solvents, carbon beads, graphite, charcoal, refractory materials, kerosene, gasoline, diesel fuel, oxygen, hydrogen, nitrogen, propane and natural gas. Material Safety Data Sheets are found in document numbered C01985-C01987 and C01333-C01404 as shown in the indices submitted August 26, 1994.

Request 11

Did Cerro or any of its predecessors (e.g. Cerro DiPasco, Lewin Metals, etc.) accept transformers at this facility for the purposes of recycling or recovering copper from the copper cores? How were waste oils from the transformers handled and disposed of?

Answer 11

After diligent inquiry, Cerro does not have documents, information or knowledge that it received or accepted transformers at this facility for the purposes of recycling.

Request 12

List the specific types of organic or inorganic substances used or generated at the facility up until 1982, along with the specific time periods in which each was used or generated.

a. Provide the weight and/or volume of the total amount of each organic and inorganic substance used or generated at the facility.

b. Describe the nature of the substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and;

c. Describe the process for which the substance was used or the process which generated the substance.

Answer 12

Without exhaustive effort and considerable time, Cerro cannot give detailed information regarding Request 12. Material Safety Data Sheets for materials used at Cerro can be found in documents numbered C01985-C01987 and C01333-C01404 as shown in the indices submitted August 26, 1994. Cerro raw material purchases are documented in "repeater cards" some of which are identified in the indices produced on August 26, 1994 as document numbers C02918-C02919, C02922, C02924-C02929, and C03089-C03174 and others of which were not referenced in such indices but which will be made available at a mutually convenient time. Cerro request the Agency be more specific in its request in order for Cerro to more fully comply with this request.

Request 13

How were contaminated soil, contaminated clothing/protective gear, and laboratory wastes handled and disposed of by the facility? Were these items commingled with waste products before disposal?

Answer 13

Prior to 1990, Cerro used Site I for the disposal of soils excavated on its property. It was not Cerro's practice to test materials deposited on Site I. Following 1990, soils excavated for construction of facilities were tested for contamination, and off-site disposal was determined based on the analysis. Soils deemed contaminated were disposed of in appropriate landfills.

Clothing used by manufacturing employees are sent to an industrial laundry. Protective gear such as gloves, boots and respirators are commingled with general factory trash.

Laboratory waste generated in Cerro's lab are either disposed of in the facility sewage system or through a lab pack disposal method.

Contaminated soil, clothing/protective gear and laboratory wastes from the removal action at Dead Creek Segment A were disposed of in one of the permitted landfills owned by Chemical Waste Management in Emelle AL, Lake Charles, LA or Calumet City, IL. These wastes were shipped with the contaminated soil which included its waste code. Additionally a final drum of PPE was shipped separately. Any lab waste not returned was disposed of by the lab, Gulf Coast Weston or Environmetrics.

Request 14

Describe the methods used at this facility to handle process wastewater and sanitary discharges prior to the facility hooking up to the Village of Monsanto's sewer system. When did the facility hook up to this system?

Answer 14

It is unknown exactly when wastewater containing portion of the plant's process and sanitary wastewater first flowed into Dead Creek Segment A but it may have been as early as 1928. Prior to 1965 portions of Cerro's process wastewater, sanitary wastewater and stormwater flowed to Dead Creek Segment A. In 1965, portions of Cerro's process wastewater and sanitary wastewater was hooked up into the Village of Monsanto's sewer system.

A detailed discussion of the Village sewer system can be found in a report dated September 1994 titled "Report on Investigations of Use of Dead Creek as a Surge Pond for the Village of Sauget Sewer System" by George M. Sallwasser of Horner & Shifrin, Inc. This report is attached as Exhibit A.

Request 15

Prior to the construction of the Village of Monsanto's sewer system, was it a practice of Cerro Copper or its predecessors (or other industries in the Village of Monsanto) to discharge process wastewaters, sanitary discharges, and/or liquid chemical wastes directly in Dead Creek? If so, describe the nature, volume, frequency, and cause of such discharges.

Answer 15

Prior to construction of a process waste interceptor sewer in 1965, portions of Cerro's process wastewater, sanitary wastewater, and stormwater flowed to Dead Creek Segment A. Additionally portions of the Village of Monsanto's industries also flowed into Dead Creek. A detailed discussion of the Village sewer system can be found in a report dated September 1994 titled "Report on Investigations of Use of Dead Creek as a Surge Pond for the Village of Sauget Sewer System" by George M. Sallwasser of Horner & Shifrin, Inc.

Specific wastewater information and analysis for the period prior to the construction of the interceptor sewer for Cerro can be found in documents numbered C02667-C02717 and VS0533-VS0539 as shown in the indices submitted by Cerro on August 26, 1994.

Request 16

Were any sanitary or process wastewaters discharged to Dead Creek after the construction of the Village of Monsanto's sewer system? If so, describe the nature, volume, frequency, and cause of such discharges.

Answer 16

Following the construction of the Village of Monsanto sewer system, when the Village sewer system became surcharged with a heavy volume of wastewater or stormwater, the wastewater would backflow into Dead Creek not allowing Cerro's discharge to enter the Village sewer system. Dead Creek served as a surge pond for the Village sewer system when it became surcharged during periods of moderate rainfall or heavy industrial discharges into the system. A detailed discussion of the Village sewer system can be found in a report dated September 1994 titled "Report on Investigations of Use of Dead Creek as a Surge Pond for the Village of Sauget Sewer System" by George M. Sallwasser of Horner & Shifrin, Inc.

Cerro is providing wastewater analysis typical of its discharge which would have been prevented from entering the Village sewer system during a surcharge event. This wastewater sampling and analysis information is found in documents C00311, C00328 - C00435, C00957 - C01332, C03299 and VS0541 - VS0547 as shown in the indices submitted by Cerro on August 26, 1994.

Request 17

Describe the methods used by Cerro Copper and its predecessors to dispose of solid waste generated from its furnaces at the facility. Were these solid waste materials used as cover material at Sites G, H, I and L in Sauget Area 1?

Answer 17

After diligent inquiry Cerro has discovered no information or documents and has no knowledge that suggests that solid waste generated from its furnaces was disposed of in Sites G, H or L. Solid waste generated from its furnaces was disposed of as fill in Site I and other low areas of Cerro's plant. These solid wastes consisted of blast furnace slags and used refractory brick which were internally generated.

Request 18

Describe the nature, characteristics and constituents present in the blast furnace slag and furnace brick which Cerro deposited in sites located within Sauget Area 2. Include all Material Safety Data Sheets for these materials and all analysis regarding their metals and/or hazardous substances content.

Answer 18

After diligent inquiry Cerro has discovered no information or documents and has no knowledge of the exact nature, characteristics and constituents present in blast furnace slags but can suppose that it contained various quantities of metallics. Cerro's limited knowledge is based on the fact that its lead blast furnace was shut down in 1951 or 1952 and its copper blast furnace was shut down in 1969. Cerro is providing information

and analysis in Exhibit B on refractories currently in use which should not be substantially different from previously used refractory materials. Material Safety Data Sheets are found in the indices provided on August 26, 1994 under document numbers C01985-C01987.

Request 19

Provide all information and/or documents (other than property title information) supporting Cerro's listing of each "Possible Potentially Responsible Parties" in its correspondence to IEPA dated November 30, 1989, including any and all information concerning those parties activities in transporting waste to Area 1 sites via waste disposal contractors.

Answer 19

Cerro produced this information with its August 26, 1994 production to the Agency.

Request 20

Provide all RCRA Section 103(c) "Notification of Hazardous Waste Site" forms ever completed and/or filed by Cerro for the facility.

Answer 20

Cerro has not, to the best of its information or knowledge, completed or filed any such notification.

Request 21

In your March 28, 1990 Answer to an IEPA Information Request, you state in Answer 1 that process wastewater "may have contained metals as well as nonmetallics such as chlorides and calcium". Provide a specific list of metals and nonmetallics referenced in the Answer based on information in your possession or on the type of process operations which were occurring at the Cerro facility during this time frame.

Answer 21

Based on the knowledge of the operating facilities and wastewater sampling data, Cerro believes the following substances could have been found in Cerro's wastewater: calcium, cadmium, chlorides, chromium, copper, iron, lead, methylene chloride, nickel, selenium, silver, sulfates, tellurium, tin, thallium, trichloroethane, trichloroethene, zinc and mineral & synthetic lubricants and oils.

Furthermore, since Cerro dealt with scrap metals, it cannot discount the possibility that the following substances may have been present in small quantities in the wastewater: aluminum, antimony, arsenic, barium, beryllium, boron, cobalt, manganese, mercury and vanadium. Finally, groundwater infiltration into Cerro's sewers may have contributed various contaminants to Cerro's process wastewater analyses.

Request 22

There is no Request 22.

Request 23

Provide all documents and information in your possession relating to the drum incident which occurred on Cerro property on September 20, 1989, including the current status of any and all lawsuits filed as a result of this incident.

Answer 23

In Cerro's indices provided on August 26, 1994, documents numbered C01718-C01740 are responsive to this request.

The lawsuits from individuals involved in the incident are still pending.

Request 24

Were off-specification products treated as wastes at the facility? Provide information and documents concerning Cerro's treatment and disposal practice or policy concerning off-specification products.

Answer 24

Because Cerro is a fully integrated tube manufacturing operation, off-specification cathode, billets and tubing are re-melted and/or re-refined into usable product.

Request 25

As the Cerro facility evolved over the years, how has the disposal of obsolete process equipment been handled? Describe the disposition of such equipment.

Answer 25

Obsolete process equipment was sold or given to machinery or scrap dealers. Scrap metals such as stainless steel, carbon steel, cast iron, aluminum, etc was sold to scrap dealers.

Request 26

Were any hazardous materials generated or used at the facility ever disposed of on facility property? If so, describe the nature, volume, and location of such wastes.

Answer 26

In regards to Site I, Cerro disposed of internally generated construction debris, broken concrete, blast furnace slags, cooling system solids, excess dirt from excavation within the plant, furnace brick and similar rubble. Because these materials were internally generated and disposed on company-owned land, there are no shipping documents.

Aerial photographs from the fifties show that there was filling activity taking place on Cerro's plant property south of Old Queeny Rd, east of Mississippi Ave, north of New Queeny Rd and west of Dead Creek. Also there are indications of slag and brick use as fill and railroad ballast along the Alton and Southern Railroad Line on the northern border of Cerro's property.

Testimony by Paul Tandler indicated that portions Cerro's Tube Mill built in the late 1930's and early 1940's used slag as part of its foundation. Low areas were filled with slag to build up the foundation level.

Request 27

Were disposal activities referenced in Request 26, above carried out by Cerro employees or outside personnel or waste contractors? Identify all companies and individuals which carried out these activities.

Answer 27

It is believed that the disposal activities referenced in Answer 26 were performed by Cerro employees. Cerro cannot, at this time, identify those employees.

Request 28

Does Cerro disagree with the contention that at least a portion of the Sauget Area 1 sites contain wastes generated from the Cerro facility? If Cerro so disagrees, provide all information and documentation which supports this position.

Answer 28

Cerro does not disagree that portions of Sauget Area 1 Site I and Dead Creek Segment A contain wastes generated at Cerro.

Request 29

Identify all waste disposal contractors employed or used by Cerro for the period ending in 1967. Also:

a. Describe how these disposal contractors handled Cerro non-hazardous materials, including the terms of any contractual arrangements with each;

b. Describe how Cerro controlled where and how these waste disposal contractors disposed of these materials;

c. Was it Cerro's practice or policy to dictate or choose where these materials would be disposed of or did Cerro leave the disposal of the materials up to its waste disposal contractors?

Answer 29

After diligent inquiry Cerro has discovered no information or documents and has no knowledge of any waste disposal contractors employed or used by Cerro for the period ending in 1967.

Request 30

Did Cerro or any of its consultants, agents, or contractors at any time secure the services of Leo Sauget or his company (later named "Industrial Salvage & Disposal, Inc.") to process, accumulate, treat, remove, haul or dispose of any hazardous materials or fly ash generated or used at the Cerro facility? If so, describe the nature of these services, when they were rendered, and all contracts or agreements associated with these services. In particular, describe the arrangement with this company regarding where these materials and/or fly ash were to be disposed of.

Answer 30

After diligent inquiry Cerro has discovered no information or documents and has no knowledge of using Leo Sauget or his company to process, accumulate, treat, remove, haul or dispose of any hazardous materials or fly ash generated or used at the Cerro facility.

Request 31

Did Cerro or any of its consultants, agents, or contractors at any time secure the services of Paul Sauget or Sauget & Company to perform any of the services referenced in Request 30, above? If so, describe the nature of these services, when they were rendered, and all contracts or agreements associated with these services. In particular, describe the arrangement with this company regarding where Cerro wastes and/or fly ash were to be disposed of.

Answer 31

Cerro believes that Paul Sauget or Sauget & Company at one time performed work for Cerro but after inquiry has identified no documents, information or knowledge as to when or for what purpose Paul Sauget or Sauget & Company was used.

Request 32

Did Cerro or any of its consultants, agents, or contractors at any time secure the services of Harold Waggoner or Waggoner & Company to perform any of these services referenced in Request 30, above? If so, describe the nature of these services and all contracts or agreements associated with these services. Also describe the arrangement with this company regarding where these materials and/or fly ash were to be disposed of.

Answer 32

After diligent inquiry Cerro has discovered no information or documents and has no knowledge of using Harold Waggoner or Waggoner & Company to process, accumulate, treat, remove, haul or dispose of any hazardous materials or fly ash generated or used at the Cerro facility.

Request 33

Describe how the interceptor junction structure at the north end of Dead Creek in the sewer system worked after the hook up to the Physical/Chemical plant. Identify the number of bypasses of the interceptor system which have occurred and the volume of wastewater discharged in each bypass event. Describe under what conditions the bypasses occurred, as well as nature of the wastewater discharged and the area where these wastewaters went during and after bypass events. When was this bypass point closed and what prompted its closure?

Answer 33

The concrete junction structure at the north end of Dead Creek was constructed by the Village in or about 1965 as part of the project to intercept Cerro's discharges to Dead Creek. Water was pumped from the interceptor line through a pipe that led into the southern side of the structure. This water then "shot" across the structure into the 36" line that led under the Alton & Southern tracks and into the 24" Village sewer line. The eastern and western sides of the structure consisted of metal grating, such that when the Village sewers were surcharged and backflowing south through the 36" line, this backflow as well Cerro's flow into the structure could discharge through the sides of the structure into Dead Creek. Engineering drawings of the structure can be found at documents numbered C02517 through C02525 on the indices produced August 26, 1994. A detailed discussion of the Village sewer system can be found in a report dated September 1994 titled "Report on Investigations of Use of Dead Creek as a Surge Pond for the Village of Sauget Sewer System" by George M. Sallwasser of Horner & Shifrin, Inc., attached as Exhibit A.

Request 34

Identify and describe all discharges or spills to Dead Creek from the Cerro facility before and after the Village of Monsanto's sewer system was constructed.

Answer 34

Specific wastewater discharge information and analysis for the period prior to the construction of the interceptor sewer for Cerro can be found in documents numbered C02667-C02717 and VS0533-VS0539 as shown in the indices submitted by Cerro on August 26, 1994.

Specific wastewater discharge information and analysis for the period after the construction of the interceptor sewer for Cerro can be found in documents C00311, C00328 - C00435, C00957 - C01332, C03299 and VS0541 - VS0547 as shown in the indices submitted by Cerro on August 26, 1994.

Request 35

Identify and describe all past and present solid waste units (e.g. waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Cerro facility property. For each solid waste unit identified, provide the following information:

- a. A map showing the unit's boundaries and the location of all known solid waste units, whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;**
- b. The type of unit (e.g. storage, spill containment, etc.);**
- c. The dates that the unit was in use;**
- d. The purpose and past usage (e.g. storage, spill containment, etc.);**
- e. The quantity and types of materials (hazardous substances and/or any other chemicals) located in each unit; and**
- f. The construction (materials, composition) volume, size, dates of cleaning, and condition of each unit;**
- g. If the unit is no longer in use, when and how such unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit?**
- h. A complete description of any and all releases, or spills or leaks of hazardous substances, or any materials or liquids containing or contaminated with hazardous substances, from the unit.**

Answer 35

Between 1955 and 1969 Cerro purchased several parcels of land totaling approximately 17 acres, located east of its main plant property. This land was used by Cerro from that time until March 1, 1991 as a landfill for inert material, generally concrete, metallics, brick, construction and demolition debris and cooling system solids. Cerro also uses the land for the storage of its copper tube products in trailers, parking of empty trailers, concrete truck washout, storage of salvageable and usable equipment and at times a reclamation storage area for used refractory brick. It is estimated that during the 37 years Cerro has owned at least a portion of the land, Cerro has placed between 1 and 8 feet of cover over the 17 acres depending on the slope of the land. Documents related to the landfill and its closure are provided in Exhibit C. Prior to Cerro owning the property, the land was used by the previous owner as a gravel pit/landfill area. Discussions on the previous owner's activities and analysis of contamination are found in the Ecology & Environment, Inc. report prepared for the IEPA dated May, 1988. Cerro has also sampled this area in the past and has installed groundwater monitoring wells. Further information can be found in documents numbered C07937-C07992 shown in the indices submitted by Cerro on August 26, 1994.

Sauget Sites Area 1 - Dead Creek Segment A - Cerro relies on its answers to Requests 7, 14, 15, 16, and 42 in response to this Request.

Incinerator - Until 1978, Cerro operated a solid waste incinerator to incinerate factory and waste oil when it was available. The location of the incinerator is shown in Exhibit D. Air pollution permit documents are provided in Exhibit E. These documents provide the technical details and operating requirements of the unit. It is unknown when the incinerator was installed. The building that was used to house the incinerator is now used as a waste oil and hazardous waste 90-day storage area.

Waste Oil & Hazardous Waste 90-day Storage Area - As stated above the Waste Oil and Hazardous Waste 90-day storage area is located where the old incinerator once was located. Exhibit D shows the current location. Located at the storage area is one 10,000 gallon tank for waste oil not contaminated with solvents and one 1500 gallon tank for storage of solvent contaminated waste oil which is considered hazardous waste. The tankage is protected by concrete containment. There are also varying amounts of storage of waste oil in barrels and portable tanks waiting to be classified before being picked up by a waste oil hauler for either oil reclamation or fuels blending. Chlorinated solvent still bottoms and spent solvent which is generated in the manufacturing operations are also stored in the containment area. Attached as Exhibit F are past IEPA RCRA inspection reports, Cerro's responses to minor NOV's and IEPA's compliance response. The still bottoms and waste solvent are picked up by a solvent reclaimer.

Factory Trash - Cerro collects general factory trash and refuse and stores it in a bin to either be loaded into a trash compactor or dumpsters for disposal at a local landfill. The location of the trash handling operation is shown in Exhibit D.

Solvent Still Operations - Cerro currently operates a solvent still in Bldg. 80. The still reclaims dirty trichloroethylene. The solvent is recirculated into a batch tube cleaning machine in a continuous loop. Still bottoms are removed manually and placed in drums for storage in the 90-day Hazardous Waste Storage Area as discussed above. In past years the

cleaning system used 1, 1, 1- trichloroethane and methylene chloride in addition to the trichloroethylene. In the Tube Mill, Cerro operated a solvent still until 1993 when it discontinued use of 1, 1, 1-trichloroethane for continuous tube cleaning. Dirty solvent (contaminated with oil, grit and dirt) was brought from straighteners and coiler satellite storage locations in the Tube Mill and Bldg. 80 where an operator pumped the barrels into a 1500 gallon tank for processing through the still. Periodically the still bottoms were removed manually and placed in drums for storage in the 90-day Hazardous Waste Storage Area as discussed above. Cerro discontinued use of the still in the Spring of 1993 when it was cleaned and disconnected from steam and storage tankage. The still remains in its current location. Materials removed from the abandoned still were removed manually and placed in drums for storage in the 90-day Hazardous Waste Storage Area as discussed above. The commencement of still operations is unknown. The locations of the stills and related tankage are shown on Exhibit D.

Main Plant Fill Operations - Depositions, aerial photographs and visual observation of plant buildings indicate that landfilling of slag and cooling system solids in low areas within the boundaries of Cerro's main plant occurred in the 1930's, 1940's, 1950's, and 1960's. This activity was done to build up the property to level grade for construction of buildings, primarily the Tube Mill, Bldg. 80 and the Receiving Department building. The amount or extent of this filling activity is unknown. However aerial photographs indicate it was discontinued by 1970 when the Receiving Building construction was completed. The general location of the filling activity, which is primarily under buildings, is shown in Exhibit G.

Provide copies of all local (e.g. Village of Sauget or Monsanto) environmental permits or licenses ever granted for the Cerro facility or any part thereof.

Answer 36

Cerro is providing a copy the Village of Sauget American Bottoms Regional Wastewater Treatment Facility Wastewater Discharge Permit in Exhibit H.

Request 37

Provide the following information for chlorobenzenes, chlorophenols, chloroanilines, nitrophenols, nitroanilines, and PCBs:

- a. A description of whether and, if so, how the substance is or was generated and/or used at the facilities;
- b. An estimation of the quantity of the substance generated or used at the facilities;
- c. A description of Cerro's storage, treatment, and/or disposal policies or practices for each substance throughout the operating history of the facility;
- d. Any and all documents, reports, forms, permits or manifests indicating the substance's transportation to and/or disposal in Sauget Area 1 sites.

Answer 37

Cerro does not have documentation, information or knowledge of using chlorobenzenes, chlorophenol, chloroanilines, nitrophenols or nitroanilines in our facility. Cerro is only aware of using PCBs in its transformers and capacitors. Information relating to PCBs and electrical systems at Cerro's facility are found in documents numbered C00315, C00316, C01405-C01444, C01741, C01745-C1748, C02254, C02439 - C02495 in the August 26, 1994 indices provided.

However, Monsanto has indicated that a fire resistant hydraulic fluid Cerro used in small quantities called Pydraul would have contained PCBs. Cerro, has no first hand documentation or information regarding Pydraul's formulation.

Request 38

For each spill or discharge or release of any hazardous materials used or generated by the Cerro facility, including chlorobenzenes, chlorophenols, chloroanilines, nitrophenols, nitroanilines and PCBs, provide the following information:

- a. Source of spill, discharge or release;
- b. Concentration of the source;
- c. Location of spill, discharge or release;
- d. Type of material onto which spill or discharge occurred;
- e. Area over which spill or discharge occurred;
- f. Date of the spill or discharge;
- g. Summary of any test results from area where spill or discharge occurred;
- h. Diagram or map of spill or discharge area showing location of any sampling points;
- i. Description of any cleanup activities and summary of any post cleanup verification sample results;
- j. Disposition of any hazardous material from any cleanup;
- k. All reports, memoranda, or analysis concerning the spill, discharge or release.

Answers 38

Cerro has permitted air and water pollution discharges. A map attached as Exhibit I shows the air pollution point sources and the wastewater treatment discharge locations.

Cerro has had spills typical of a non-ferrous manufacturing locations. These spills would include small quantities of oils, lubricants, cleaning solvents and electrolyte which would have been contained on the site and cleaned up or discharged to the sewer system. Due to the nature of these spills, no documentation exists.

Other than the pole drilling incident discussed in Answer 23 and routine wastewater treatment bypasses reported to the POTW, Cerro has not had a reportable spill that it is aware of. Cerro does not have documentation, information or knowledge of using chlorobenzenes, chlorphenol, chloroanilines, nitrophenols or nitroanilines in our facility. Cerro is only aware of using PCBs in its transformers and capacitors.

Request 39

For each pit, pond, lagoon, settling tank, oil/water separator, water treatment unit or similar structure located at the facility, provide the following information:

- a. Location and description of these areas or structures;
- b. Dates of any and all cleanings or removals of any material from these areas or structures. List most recent cleanings or removals first;
- c. Reason for each cleaning or removal;
- d. Description of methods employed for each cleaning or removal;
- e. Description of any hazardous material removed, including PCBs, and quantity of material removed;
- f. Concentrations of hazardous materials removed, including PCBs, released or discharged on or off site from these areas or structures;
- g. Disposition of material removed;
- h. Any test data, including PCB test data, concerning these areas or structures not associated with a cleaning or removal;
- i. Identification and description of any release or discharge on or off site from these areas or structures;
- j. Dates when release or discharges occurred;

k. Type of material and concentrations of releases or discharges;

l. Description of any cleanup activities for releases or discharges;

m. Summary of any post-cleanup verification sampling and disposition of material from the cleanup;

Answer 39

Settling Tanks & Water Treatment Units - Cerro has many settling tanks which are part of Cerro's wastewater treatment facilities. These facilities were permitted by the IEPA for construction and are permitted under the POTW Pretreatment Program. These locations are shown on the drawing in Exhibit I. Material is removed from these treatment facilities on a regular basis in the form of sludges which are recycled back into the Anode Furnace or reclaimed for their metal value. These facilities were constructed in 1988, 1990 and 1991. Wastewater discharges from these facilities occur daily to the Village of Sauget sewer system for further treatment. Because of the numerous sampling requirements for such wastewater treatment facilities, Cerro believes it would be best for the Agency that instead of producing copious amounts of documents, Cerro will make available for Agency review our discharge monitoring reports at the Agency's convenience.

Anode Casting Cooling Pond - As part of the Anode casting facility a cooling pond is used in the contact cooling water circuit. The location of the cooling pond is shown on Exhibit I. When Cerro was using deep well water, the amount of iron in the water caused the pond to fill with an iron sludge. The pond was drained and the sludge removed and landfilled on Cerro's property. Following the use of deep well water, the cooling water system became a closed loop system which used city water as makeup. Because the cooling water that enters this pond is in contact with the copper, copper oxides and copper particles are carried into the pond where they settle out. Also refractory based mold wash material which is sprayed on the mold as a parting agent, is carried by the cooling water into the pond and settles. Prior to the Anode facility becoming a zero wastewater discharge location in 1990, the water was drained to the sewer and the solids removed. Since 1990, a backhoe has been used to remove the copper particles. In both cases, the solids were or are placed in dumpsters next to the pond to drain and dry. After the solids are relatively dry, they are charged back into the Anode furnace because of their copper values. The cleaning takes places generally once per year. No records are kept on the dates of cleaning.

Billet Cooling System Hot & Cold Well Solids - On a periodic basis, usually annually, the hot and cold wells of the Billet Casting cooling water system require the removal of graphite solids that enter the cooling water system during casting. The location of these wells are shown on Exhibit I. This removal process requires the wells to be pumped down to the solids level. Prior to 1991, the solid slurry was pumped into a truck or removed manually and land disposed on Cerro's Site I property. After 1991, the wells were pumped down and the solids filter-pressed and sent to an off-site landfill. A copy of the solids analysis is in Exhibit J. No records are kept on the dates of cleaning and volume of solids which were land disposed.

Oil/Water Separator - There are two oil water separators on Cerro's facility which were installed after 1990. The regulated discharge from the extrusion press operation in the Tube Mill and the East Outfall (12) both have oil separators. Their locations are shown on Exhibit I. The oil is skimmed from the surface and placed in tanks. When the tanks are full they are transported to the waste oil tanks for transfer to an oil reclaimer. The oil being separated from the wastewater is generally mineral type oil.

Request 40

Provide a copy of any annual documents required to be kept for the facilities in accordance with 40 C.F.R. 761.180(a).

Answer 40

The Annual PCB Documents can be found in documents numbered C08594 - C08666 in the indices provided on August 26, 1994.

Request 41

Provide any information you have generated or gathered on groundwater flow and groundwater quality on or around the plants and/or on or around Sauget Area 1.

Answer 41

Responsive information can be found at the documents numbered C07937 through C07955, C277-1 through C277-11, C81-21 and C81-22 in the indices produced on August 26, 1994.

Request 42

Provide any information and documents you have generated or gathered (including documents obtained in discovery in the lawsuit captioned Cerro Copper Products Co. v. Monsanto Co., Docket No. 92-CV-204 WDS) about or in any way concerning the contamination found to exist in the Sauget Area 1, including any information concerning possible potentially responsible parties and/or the source of such contamination.

Answer 42

Cerro enclosed indices of documents that Cerro has produced to Monsanto from its own files or collected pursuant to third party subpoenas or FOIA requests in its August 26, 1994 response. As indicated in previous correspondence to the Agency, Cerro is precluded by a Protective Order from disclosing documents received from Monsanto.

Request 43

Describe all measures taken by Cerro or its consultants to characterize, measure, sample or in any way test for the presence of hazardous materials at or around Sauget Area 1. Provide the results of such testing.

Answer 43

The following document numbers in the August 26, 1994 indices are responsive to this request: C0004-C0005, C00016, C00044, C00115-C00116, C00123, C00133-C00156, C00273, C00283-C00285, C00287-C00288, C00301, C00395, C07937-C07955 and C07958-C07992.

Request 44

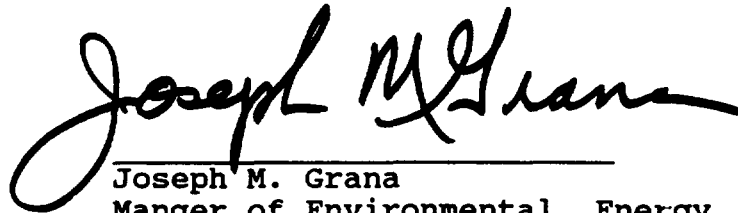
Provide copies of any sampling analytical reports which are responsive to any of these questions and clearly indicate on each analytical report copy of the question(s) to which it is responsive.

Answer 44

Cerro will provide copies of any sampling analytical reports which are requested by the Agency after its review of the August 26, 1994 indices provided by Cerro.

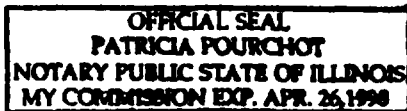
CERTIFICATION

I hereby certify that in responding to this information request, I have conducted a diligent search of current and historic company records and that I have interviewed current and past company employees. Based upon the foregoing, I further certify that the responses set forth above are true and correct to the best of my knowledge, information and belief.



Joseph M. Grana
Manager of Environmental, Energy
and Health Services Group
Cerro Copper Products Co.

Subscribed and sworn
to before me, this 12th
day of October, 1994.


NOTARY PUBLIC

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November 7, 1995

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Ms. Marsha A. Adams
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Responsible Party Search Section
USEPA Region V
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Thomas J. Martin, Esq.
Office of Regional Counsel
United States Environmental Protection Agency
Region IV
CN 29A, 77 West Jackson Boulevard
Chicago, Illinois 60604-3590

**Re: Request for Information Pursuant to Section 104(e) of CERCLA for
the Sauget Area 1 Sites in Sauget Illinois**

Dear Ms. Adams and Mr. Martin:

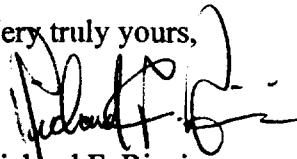
This office represents Cerro Copper Products Co. ("Cerro"), and we are submitting this letter pursuant to the information request served upon Cerro in July of 1994. Cerro's initial response to this information request occurred on August 26, 1994, at which time Cerro provided to the Agency indices to a number of documents that Cerro had compiled in the course of its litigation against Monsanto Company regarding Dead Creek Segment A. At that time, Cerro offered to make available to the Agency the documents referenced on those indices. Cerro responded to the bulk of the information request with its submission of October 14, 1994. Thereafter, on December 14, 1994, Cerro further supplemented its response by providing certain documents to the Agency and offering to make additional documents available for inspection.

In September of 1995, Cerro reached a settlement with Monsanto that has resulted in a dismissal with prejudice of Cerro's lawsuit against Monsanto. The documents that Cerro has offered to make available to the Agency exceed 120 boxes and fill the equivalent of a small

storage room. Cerro would like to begin the process of evaluating the documents produced in the litigation for retention and/or destruction in accordance with its regular document retention and destruction program. We would, therefore, appreciate it if the Agency could advise Cerro whether it will be requiring production of any additional documents identified by Cerro in any of its responses to the information request or, alternatively, whether the Agency has any objection to Cerro's destruction of documents that the Agency has not, to date, requested.

We thank you for your attention to this matter and are, of course, available should you have any questions or comments. We will look forward to your response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard F. Ricci", written over a horizontal line.

Richard F. Ricci

RFR:ljc

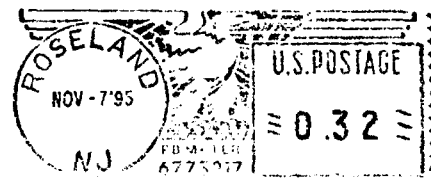
cc: Mr. Joseph M. Grana

LOWENSTEIN, SANDLER, KOHL, FISHER & BOYLAN

A PROFESSIONAL CORPORATION

65 LIVINGSTON AVENUE

ROSELAND, NEW JERSEY 07068-1791



Ms. Marsha A. Adams
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USEPA Region V
77 West Jackson Boulevard
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January 17, 1995

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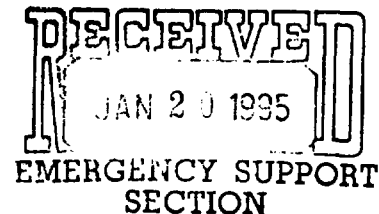
Ms. Carol Graszer Ropski
USEPA Emergency Support Section (HSE-5J)
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: Sauget Sites Area I, Site G
Sauget, Illinois

Dear Ms. Ropski:

This office represents Cerro Copper Products Co. ("Cerro"), and we are submitting this letter in response to your December 20, 1994 General Notice of Potential Liability with respect to the above referenced site.

Cerro has never operated Site G nor has it generated or transported hazardous substances that were disposed of at the facility. Cerro's sole connection to Site G is its ownership of a small (approx. one acre) portion of Site G. Cerro has never conducted or actively permitted the disposal of any hazardous substances on the portion of the site that it owns, did not contribute to any release or threat of release of hazardous substances on its portion of the facility and had neither actual nor constructive knowledge at the time that it acquired its small portion of Site G in 1969 that the property may have been used for the storage or disposal of hazardous substances. Indeed, as far as Cerro is aware, the removal activities that the Agency will conduct at the site and for which the Agency seeks reimbursement in no way relates to the one acre portion of Site G that Cerro owns.

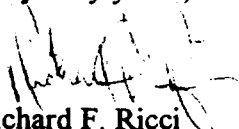


January 17, 1995

For all of these reasons, Cerro qualifies as a de minimis land owner pursuant to §122 (g)(1)(B) of CERCLA, 42 U.S.C. § 9622 (g)(1)(B). Cerro is, therefore, prepared to enter into negotiations with the Agency immediately to resolve its potential liability for conditions at Site G in accordance with the provisions of § 122 (g) of CERCLA.

We will look forward to hearing from you in this regard. Of course, if you have any questions or require any further information, do not hesitate to contact us.

Very truly yours,



Richard F. Ricci

RFR:ljc

cc: Mr. Joseph M. Grana

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 Martin, Craig, Chester & Sonnenschein
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 Chicago, Illinois
 60603

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TELEPHONE 312-372-3090
 AREA CODE 312

STONEY G. GRAY (312-11070)
 HUBB SONNENSCHEIN (312-11071)
 WILLIAM LEE (312-11072)

JAMES M. MARTIN
 CHARLES L. NICHOLS
 ROBERT J. PERRY, JR.
 OF COUNSEL

FAX 312-372-3090

FACSIMILE TRANSMITTAL LETTER

DATE: 4-15-87
 TO: 618-332-0108
 FAX #: _____
 FROM: 312-368-9700

TOTAL NUMBER OF PAGES: 3 INCLUDING THIS PAGE.

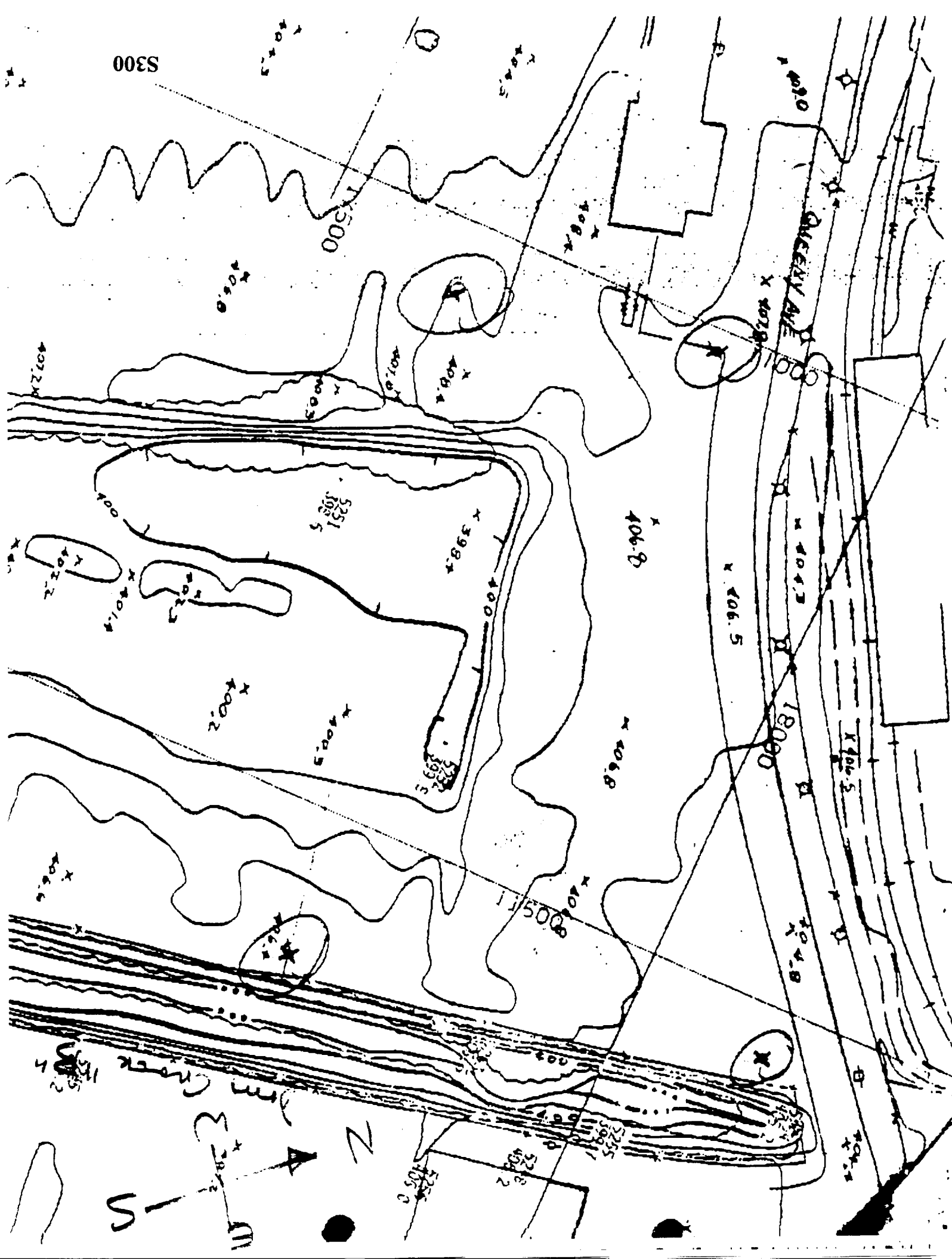
SENT BY: Susan M. Franzett

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL SENDER AS
 SOON AS POSSIBLE AT (312) 368-9700.

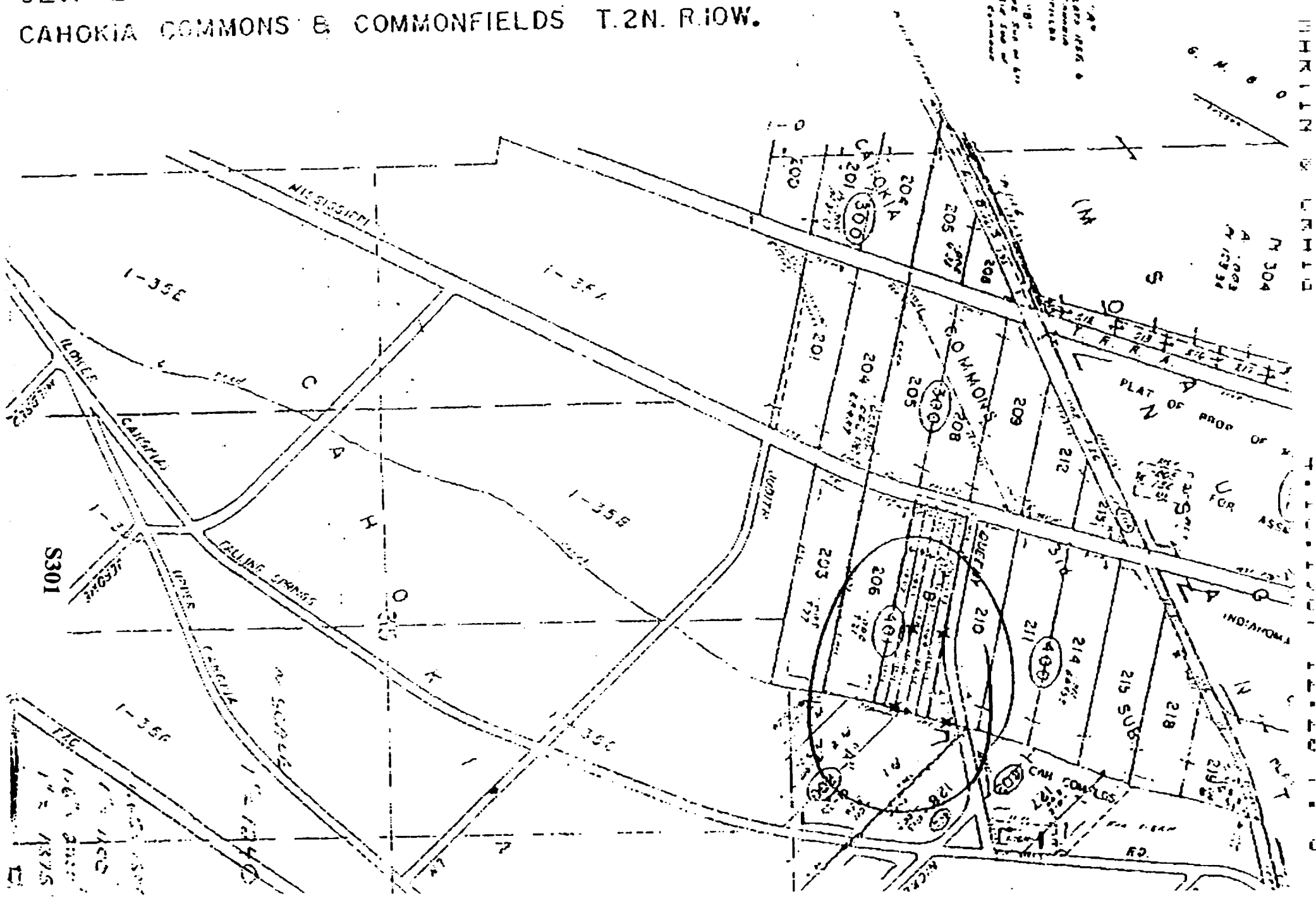
SPECIAL INSTRUCTIONS:

To: Paul Tandler

Note: Southern boundary is now
contaminated. E.P.E. states that
contamination is migrating
in southerly direction.



CAHOKIA COMMONS & COMMONFIELDS T.2N. R.10W.



3RD SUBD. OF CAHOKIA COMMONS

LEWIN MATHES CORP.

LOT 210

NOW KNOWN AS QUEENY AVENUE
MIDWEST AVENUE

ESTABLISHED BY
ORDINANCE NO. 182

DEAD

PART OF LOT 210

20' WIDE STRIP TO BE ACQUIRED FOR ROAD WIDENING

SOUTHERLY LINE LOT 210

184.5' 131.92' 2.5" PIPE 189.0' 1267.0' 1263.08' 1267.0' S. 84° 24' E. 870.0' S. 84° 24' E. 330.0' LOT 1 1.00 AC. ± LOT 2 N. 84° 24' W. 330.0'

DASHNEY'S SUBD. OF LOT 207

RICHARD E. WEINEL & ASSOCIATES
Land Surveyors - Engineers
9800 Mark Trail Weinle Hills
FAIRVIEW HEIGHTS, IL 62208

October 27, 1983
Fairview Heights, IL. 62208

This is to certify that in the employ of Richard Dubray of Madison Diesel Service, 1300 Queeny Avenue, Cahokia, Illinois, I have surveyed and platted a 1.00 acre tract in the East end of Lots 1 & 2 of "DASHNEY'S SUBDIVISION OF LOT 207 OF THE THIRD SUBDIVISION OF THE CAHOKIA COMMONS," reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Plats "V" on page 26 and that the plat hereto attached is a representation thereof.

Richard E. Weinle
Richard E. Weinle, I.L.S.No. 1398



S.B.1. ROUTE NO. 2
NORTHWEST CORNER LOT 1
EASTERNLY R.O.W. LINE
ALSO KNOWN AS MISSISSIPPI AVENUE

CHAIN LINK FENCE
OLD PIPE
CREEK

Sauget Area 1 Site

Cerro Copper Products Co.

8/26/94 104(e) partial response (documents responsive to request)

Attachment 1: documents relating to Area G.

- A.
1. Cerro to Armstrong et al 6/1/90 (not involved < Q)
 2. USEPA to Cerro 12/27/89 (demand letter)
 3. Gardner et al to PRP Attorneys 11/16/89 (list of PRP Attorneys) (mtg notes)
 4. Cerro internal memo 11/9/89 (mtg notice)
 5. Cerro to IEPA 10/30/89 (RSUP)
 6. IEPA to Cerro 10/16/89 (mtg notice)
 7. Cerro internal memo 10/12/89 (mtg notice)
 8. Cerro internal memo ^{Rev. 1} 10/6/89 (list of documents sent)
 9. " " " 10/5/89 (Lounsbury et al Re: IEPA 104)
 10. IEPA to Cerro 8/7/89 (IEPA 104 to Cerro)
 11. Neil Hartigan II AG to PRPs 11/20/89 (RI/FS Work Plan)
 12. Cerro internal memo 11/15/89 (meeting notes & sign in sheet & draft consent order)

- B.
1. Cerro internal memo 6/10/94 (phone record)
 2. News article 10/11/93 (contaminated flood water)
 3. Cerro internal memo 10/8/93 (flood water sampling)
 4. News article (Env. Law) ? (sampling methods)
 5. News article 12/10/92 (sampling)
 6. IEPA Announcement 12/8-9/92 (well to sample)
 7. Cerro to Gardner et al 7/27/90 (Rockburgs letter to PRPs)
 8. Monsanto to Cerro 7/9/90 (access agreement attached)
 9. Marrison inter office memo 7/3/90 RI/FS estimate
 10. Monsanto to Cerro 6/5/90 PRP meeting notice & addendum
 11. meeting notes 6/6/90

E

1	Conference Call Re: Q&A I	6/20/90	(Notes)
2	Q&A 1 P&P Mtg.	6/12/90	(Notes * address)
3	Q&A 1 P&P & IEPA Mtg	5/31/90	(Notes)
4	IEPA to Corp	5/4/90	(5/31 Mtg announcement)
5	Corps internal memo	2/27/90	(call record)
6	IEPA to Corp	2/22/90	(mtg announcement)
7	"	"	(same as E6)
8	Corps internal memo	2/27/90	(same as E5)
9	Recommendation to IL AG	1/10/90	(P&P note)

D

1	News Article & Sampling	12/8-9/92	(Drilling for Samples)
2	"	7/30/92	(Compass on Cleanup Trip)
3	Corps to Henderson	7/27/90	(Cover Letter to B7)
4	Corps internal Memo	7/23/90	(Installation of well logs)
5	Recommendation to IL AG	7/10/90	(P&P)
6	Memo from Dept of the Interior	7/3/90	(estimate for RI/FS)

C

1	Quenett Group to Corp	1/20/90	(Installation of sampling rig)
2	Corps to Quenett Group	1/6/90	(request for installation)
3	T&E Documents	"	"

12	IEPA to Corp	5/4/90	(Mtg announcement & address)
13	Mtg notes	5/31/90	(with sign in & phone B)
14	Recommendation to IEPA	11/30/89	(out of P&P)
15	Corps internal memo	3/27/89	(attached IEPA to E&E)
16	Soil Analysis	10/3/90	"
17	Recommendation to IL AG	12/15/89	(P&P negotiation)
18	Monitoring & maps	"	"

F 1. Memo to U.S. EPA	1/7/91	(Payment of Response Costs)
2. Memorandum to Court	12/27/90	(AOC signed 9/27/90)
3. " " "	12/12/90	(11/14/90 Fed Reg.)
4. Memo to Memorandum	8/13/90	(AOC signature page)
5. Memorandum to Court	6/29/90	(Revised Version of AOC)
6. USEPA to Monsanto	5/21/90	(Cost Recovery AOC Draft)
7. Memo to Memorandum	3/15/90	(USEPA Demand Letter \$5M)
8. USEPA to Court	12/27/88	(Demand Letter < Cost Summary)
9. Handwritten Note	9/11	(USEPA Payments \$)
10. Memo to Monsanto	6/30/87	(Payment for 1/3 of fence)
11. Memo to USEPA Re: GWS 6/24/87		(104(c) response)
12. U.S. EPA to Monsanto	6/87	(Voluntary fence \$1M)
13. Memo to Monsanto	6/15/87	(Payment for 1/3 of fence)
attached Memo to Union + Court 6/9/87		(negotiating payment)
14. USEPA to Court	5/19/87	(104(c))
15. Memo internal memo	5/14/87	(fence done)
16. Memorandum to Court	5/4/87	(site needs a fence)
17. Memo internal memo	4/27/87	(mtg. summary)
18. Memorandum to USEPA, WMD	4/17/87	(Court claims without land owner status)
19. " " Court	4/16/87	(Notice of onerous resp.)
20. " " Court	4/15/87	(maps of site)
G. 1. Memo internal memo	9/18/89	(EPA wants oversight)
2. Memo to USEPA	7/29/87	(out RTR on 6/24/87)
3. USEPA to Court	7/23/87	(104(c) follow-up)
4. prep		
5. Memo to USEPA	6/24/87	(104(c) < expenditure)
6. F 10		

7. F13 without attachments
8. F14 with annotations
9. F14 without annotations
10. Sign on sheet
12. Handwritten notes
13. F17
14. G10
15. F18
16. F19
17. Description of Cerro's land in site G.

H. Analytic Reports from E & E.

Attachment 2: documents collected by Cerro relative to other PRPs.

- | | | |
|---------------------------------------|----------|---|
| A. Lowenstein et al to IEPA | 11/30/89 | (List of PRPs) |
| 2. Lowenstein et al to IEPA | 3/28/90 | (PRPs based on ownership) |
| 3. Village of Saugat to Cerro | 5/21/73 | (Waste treatment cost distrib) |
| 4. Village of Saugat to Board of Dir. | 1/18/73 | (Waste treatment ¹⁹⁷² Costs) |

B. 1. Map.

- | | | |
|---|----------------|--|
| 2. Agreement Alton & Sang Railroad | filed 10/19/39 | drainage pipe to Dead Creek (attached 8/20/24 agreement) |
| with Village of Monsanto | | |
| 3. Village of Saugat to Cerro | 5/21/90 | (easement adjustment) |
| 4. Ordinance 476 | 5/12/81 | (floods) |
| 5. Agreement between Alton RR & Village | 4/27/66 | (sewer) |
| 6. Sewer easement | 11/16/48 | |
| 7. Agreement between Alton RR & Village | 8/26/24 | (drainage pipe to Dead Creek) |
| 8. Baker to Saugat Village Clerk | 9/2/88 | (Village owned easement) |
| 9. Ordinance between Monsanto & Village | 4/7/39 | (easement for sewer) |

- | | | |
|-----------------------------------|----------|--------------------------------|
| 10. Monsanto to Baker | 7/21/89 | (attached easements & map) |
| 11. Chart of Tax Parcels | | |
| 12. Cerro internal memo | 5/29/90 | (vacating easement to Village) |
| 13. Baker to Monsanto | 10/31/89 | (re: easements) |
| 14. Chester Eng. to Cerro | 11/1/89 | (pipe installation) |
| 15. Baker to Village | 11/1/89 | (sewer line) |
| 16. to Mayor Saugst | 11/1/89 | History of Easements |
| 17. Cerro to Baker (Village Attn) | 11/2/89 | (sewer line) |

C. Title Search Dead Creek Area Rec'd 6/11/90 (2 copies)

Attachment 3: indices either to documents Cerro produced to Monsanto from Cerro files or collected pursuant to 3rd party subpoenas or FOIA Requests.

1. Cerro documents by box (29 boxes) (94 pages)
2. Village of Saugst documents (13 pages)
3. Cerro vs Monsanto Div of Water Poll. Control documents (93 pages)
4. Cerro vs Monsanto Div of Land Poll. Control documents (58 pages)
5. Cerro vs Monsanto IL AG documents (15 pages)

10/14/94 104(e) completed response

1. Request and Answers. (2 copies)

Exhibit A. Report on Investigations of Use of Dead Creek, ... 9/94

" B Lab Reports (4/11/91, 12/17/90)

Exhibit C. Correspondence Re: Landfill Closure

D. Map of Solid Waste Locations

E. Correspondence Re: Environmental Permit

F. RCRA Compliance

G. Aerial Photo of Cono Fill Area

H. / Wastewater Discharge Permit '94-96 (5/31/94)

I. '92-94 (11/2/92)

I. Map of Cono Air Poll. Sources & Wastewater Outfalls

J. Test Reports (8/11/93, 9/22/91)

LOWENSTEIN, SANDLER, KOHL, FISHER & BOYLAN

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW

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October 14, 1994

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JEFFREY J. WILD

ROBERT L. KRAKOWER
NORMAN W. SPINDEL
STUART S. YUSEM
BONNIE K. LEVITT
JEFFREY M. DAVIS
HARVEY SMITH
DIANE K. WEEKS
RICHARD P. BOEHMER
OF COUNSEL

PHYLLIS F. PASTERNAK
MARC B. KRAMER
JOHN M. NOLAN
GARY M. WINGENS
EILEEN M. CLARK
ALLEN P. LANGJAHR
JOHN B. MCCUSKER
PAUL F. KOCH II
BRUCE S. ROSEN
DARRYL EVERETT GUGIG
SAMUEL B. SANTO, JR.
JONATHAN T. K. COHEN
SUSAN YODOVIN LEONARD
PAUL F. CARVELLI
GARY F. EISENBERG
ROSEMARY E. RAMSAY
VINCENT P. BROWNE
JEFFREY B. GRACER
LAWRENCE M. ROLNICK
NEALE R. BEDROCK
KARIM G. KASPAR
ROBERT M. LAPINSKY
HENRY M. PRICE
DAVID A. THOMAS
ANDREW E. ANSELM
MICHAEL N. GOOEN
PETER E. NAHMIA
JERI L. ABRAMS
SHEILA NEWSOME MADDOX
RICHARD C. SZUCH
THOMAS M. FITZGIBBON
STEPHEN R. BUCKINGHAM
STEPHANIE WILSON
VIRGINIA A. LAZALA
MICHAEL J. McDONALD
GEOFFREY A. PRICE
PETER L. SKOLNIK

NESLIHAN S. MONTAG
KAREN E. KOSTER
NANCY LAKE MARTIN
ALEX MOREAU
WILLIAM J. VONDERHEIDE
EDWARD T. ARNOLD
THOMAS E. MESEVAGE
JOYCE A. DAVIS
MICHAEL DAVID LICHTENSTEIN
HOWARD A. MATALON
ALICE K. SMALL
BRIAN WEEKS
VERONICA SMITH LEWIS
EDWARD M. ZIMMERMAN
AMY C. GROSSMAN
RICHARD A. LEVITAN
MAUREEN E. MONTAGUE
GAVIN J. ROONEY
JEREMY I. SILBERMAN
CHRISTOPHER L. WEISS
CHARISSE A. CARNEY
NELSON D. JOHNSON
ABBY J. AGES
KEVIN G. CORLISS
TINA MARIE NIEHOLD
SHERYL A. BERNSTEIN
DAVID J. BIANCHI
LAUREN M. HOLLENDER
MYLA KAPLAN
ELENA FRANCESCA RAND
PATRICK J. WHALEN
SARAH GODFREY HUNT
SARAH B. LEVINSON*
COURTNEY A. SCHAEEL
DONALD G. HARRINGTON
MAUREEN A. RUANE
ELLIOT N. TURRINI

VIA FEDERAL EXPRESS

Ms. Marsha A. Adams
SHSM-5J, Responsible Party Search Section
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

RECEIVED
OCT 18 1994
SUPERFUND PROGRAM
MANAGEMENT BRANCH

*FL BAR ONLY

**Re: Request For Information Pursuant To Section 104(e)
Of CERCLA For The Sauget Area 1 In Sauget, Illinois**

Dear Ms. Adams:

This office represents Cerro Copper Products Company with respect to the above referenced information request. We are enclosing Cerro's response to that request, as well as a number of documents that are responsive and were not referenced in the indices that we produced on August 26, 1994.

We are, of course, available should you have any questions or comments.

Very truly yours,


Richard F. Ricci

RFR:ljc

Enclosures

cc: Mr. Joseph M. Grana (w/encl.)

IT IS NOT KNOWN WHETHER THE SUBJECTS ARE POSSIBLE AT (112) 388-9700.

TOTAL NUMBER OF PAGES: 10
INCLUDING THIS PAGE: 10
SENT BY: Kate / Susan M. Fournier

[illegible]

1964

LAW OFFICES
Martin, Craig, Chester & Sommerstein
113 West Monroe Street
Chicago, Illinois
60603

FROM MARTIN & CRAIG

4. 15. 1937 11:40 P. 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

APR 16 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cerro Copper Products
c/o Susan M. Franzetti
Martin, Craig, Chester and
Sonnenschein
Chicago, Illinois 60603

Re: Dead Creek-Area G
Sauget, Illinois

Dear Sir or Madam:

On April 14, 1987, the following statement was read to you or your agent over the telephone:

The U.S. Environmental Protection Agency (U.S. EPA) intends to expend public funds to take action to abate a release or threatened release of hazardous substances, pollutants, and other contaminants at the Dead Creek-Area G site in Sauget, Illinois. This action is authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. §9601 et seq. Under CERCLA, and other laws, responsible parties may be liable for money expended by the government to take necessary corrective action at the site, including investigation, planning, cleanup, and enforcement. Potentially responsible parties include the current owner or operator of the site, the past owner and operator, and persons who generate or were involved in transport, treatment, or disposal of hazardous substances at the site.

Contaminants including polychlorinated biphenyls (PCBs), pentachlorophenol (PCP), and octachlorodibenzo-dioxin have been found on the site. Before the government undertakes the necessary response action at the site, potentially responsible parties are being offered the opportunity to perform voluntarily the required

-2-

work to abate endangerment from any releases or threat of release of hazardous substances, pollutants, or contaminants from the site. If private party cleanup is not forthcoming and public funds are expended, potentially responsible parties may be liable for the costs incurred by the government.

The U.S. EPA plans to initiate an immediate removal action as the first step toward mitigation of the release or threat of release of hazardous substances at the site. This immediate removal action will include the construction of a fence, according to the following specifications, around the site:

- 1) The fence must be of adequate length to enclose the entire site. The site is bordered by Queens Avenue on the north, Dead Creek on the east, Wiese Engineering on the west, and a ditched area on the south. Although the site's eastern border is already fenced, this fence might require additional construction or repair in order to meet some of the specifications listed below. In regard to the site's southern border, the fence must be erected at least forty (40) feet outside the ditch that runs east-west.
- 2) The fence must be at least six (6) feet high, nine (9) gauge, and chain-linked. Poles should be included on the top of the chain-link.
- 3) Three (3) strand barbed wire should run along the top of the fence.
- 4) A twenty (20) foot truck gate and several walk-through gates, with adequate locks, must also be provided.

These actions are designed to protect the public health from a release or threat of release of hazardous substances, pollutants, or contaminants. Under Section 107 of CERCLA, potentially

-3-

responsible parties may be held responsible for all or part of the costs incurred by the U.S. EPA in undertaking this work and other necessary response or remedial work. Potentially responsible parties have the option, should they decide to exercise it, of initiating these activities if this can be accomplished in a timely and appropriate manner. Due to the nature of this endangerment, immediate action will be required. Potentially responsible parties must notify the U.S. EPA no later than April 17, 1987 at 11:00 a.m. Central Daylight Savings Time if they intend to undertake the work planned by the U.S. EPA. If potentially responsible parties fail to notify the U.S. EPA by the above deadline, the U.S. EPA will begin taking the necessary action at the site in lieu of private party action. Please contact either Thomas Mintz, U.S. EPA, Office of Regional Counsel, 230 South Dearborn Street, Chicago, Illinois 60604, phone (312) 886-6600; or Sherry Kamke, U.S. EPA, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, phone (312) 353-3202 to provide notice or if you have any questions.

This letter confirms the above oral notice and reiterates the responsibilities and rights of Cerro Copper Products Co. under CERCLA. Pursuant to Section 104 of CERCLA, U.S. EPA is authorized to undertake response actions deemed necessary to protect public health or welfare or the environment. U.S. EPA is also authorized to allow potentially responsible parties an opportunity to participate in such response actions.

The U.S. EPA is currently undertaking an emergency response action at the Dead Creek-Area G site in Sauget, Illinois. The U.S. EPA has determined that Cerro Copper Products Co. may be a potentially responsible party for the release or threat of release of hazardous substances, pollutants, or contaminants from the site.

As a potentially responsible party, Cerro Copper Products Co. may be liable for the emergency response costs incurred by the government in taking corrective action at the site. The U.S. EPA will continue to afford Cerro Copper Products Co. an opportunity to participate in future response actions being conducted by the U.S. EPA.

FROM MARTIN & CRAIG

4.16.1987 11:54 P. 5

-4-

A map of the Dead Creek-Area G site has also be included for your convenience. If you have any questions concerning this matter please contact:

Thomas Mintz
Office of Regional Counsel
United States Environmental
Protection Agency (SCS-16)
230 South Dearborn Street
Chicago, Illinois 60604
Phone (312) 886-6600

or

Sherry Kamke
Waste Management Division
United States Environmental
Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604
Phone (312) 353-3202

Very truly yours,

Man a. Goh

f Basil G. Constantelos, Director
Waste Management Division

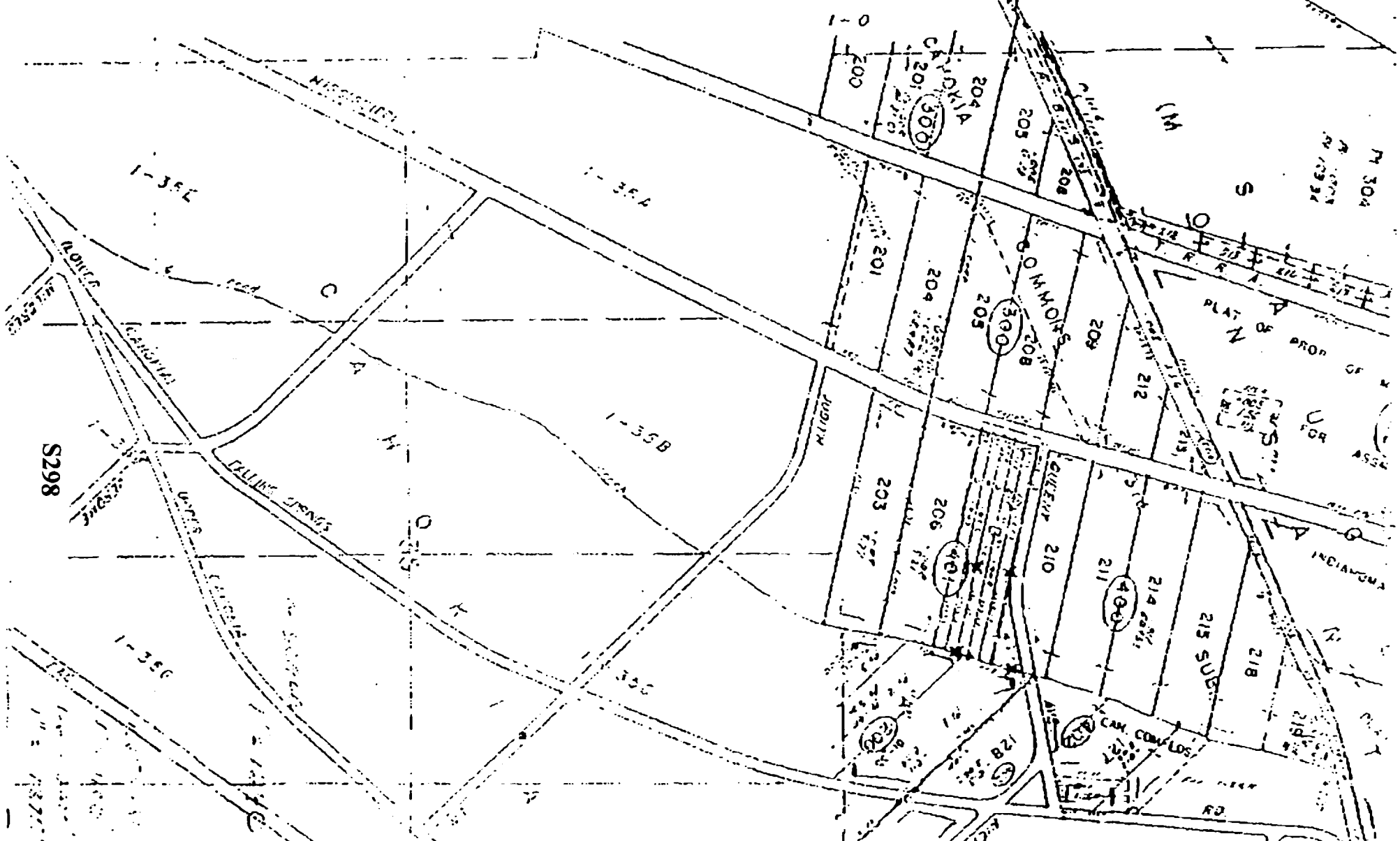
Enclosure

S297

CENTERVILLE TWP.

CAHOKIA COMMONS & COMMONFIELDS T.2N. R.10W.

See map 1187 &
127 of Common
Commonfields
"B"
Commonfields map in
1927 is the 1927
Commonfields map



CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

File

INTERNAL MEMORANDUM

HQ-10 SHOW NAME, TITLE AND UNIT OF ADDRESSEE AND ADDRESSOR

TO: ~~Paul Tandler~~/H. L. SchweichDATE: April 27, 1987

FROM: S. A. Silverstein

SUBJECT: DEAD CREEK SITES

On Friday, April 24 I joined Dick Kissel in a meeting at U.S.EPA Region V Office in Chicago. The purpose of this meeting was to clear up a number of questions concerning U.S.EPA's notification of emergency response to a reported contamination found on the property south of Queeny Avenue and west of Dead Creek. Also attending this meeting were Walter Wittenberg, Counsel representing Harold Wiese, Jeff Larson of Illinois EPA, and Dave Favero, Chip Landman and Tom Mince of U.S.EPA. Landman and Mince are from the office of Region V Counsel and Favero is from Region V Enforcement Section.

On our arrival Tom Mince told us that he had just spoken to Warren Smull at Monsanto who told him that Monsanto is going to put up a fence around the contaminated area. (On the previous afternoon Wittenberg and I met with Warren Smull and agreement was reached that we would jointly participate in the cost of required fence. Wittenberg could not commit for a definite amount or percentage on behalf of Harold Wiese, but could agree to his participation.)

At the beginning of the meeting Dick Kissel asked a number of questions regarding the location and nature of the reported contamination and the procedures that were followed, however, none of the EPA personnel could provide any answers other than the information that was earlier obtained by Susan Franzetti.

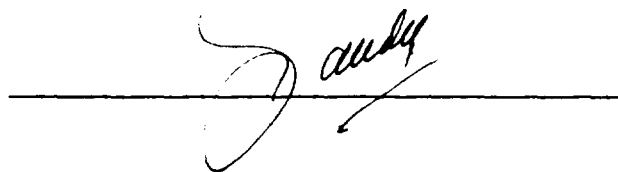
When asked why Cerro had not received results of sample analyses as provided in the Access Agreement, Jeff Larsen said that the results were in the last stage of preparation and would be sent to Cerro immediately. He said that the preliminary results indicated a type of contamination that mandated prompt notification to U.S.EPA for proper remedial action. Thus far the results indicate only surface contamination, however, they suspect there is some deeper contamination in the area. A plot plan of the area showing the grid pattern where sampling was conducted and a legend for the contamination found in each segment will be sent to Dick Kissel by Tom Mince.

Paul Tandler/H. L. Schweich
April 27, 1987
Page 2

It was agreed that the existing fence along Dead Creek is of sufficient height and proper construction so that no replacement of it would be required. According to U.S.EPA's estimate fencing of the area would cost about \$32,000 for the indicated 1600 lineal feet required. There is still some uncertainty on the part of the EPA as to where the fence on the southern portion of the site should be located. They are also uncertain about the location of the western portion which originally was defined as exactly 500 feet from Dead Creek, but during the meeting commented that there was a mound outside that area that probably should be included in the fenced portion also.

Tom Mince stated that he will send to Dick Kissel an Administrative Order and Access Agreement which will specifically define the area to be fenced as well as all other conditions of the required remedial action.

SAS/ge





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cerro Copper Products
c/o Susan M. Franzetti
Martin, Craig, Chester and
Sonnenschein
Chicago, Illinois 60603

Re: Dead Creek-Area G
Sauget, Illinois

Dear Sir or Madam:

On April 14, 1987, the following statement was read to you or your agent over the telephone:

The U.S. Environmental Protection Agency (U.S. EPA) intends to expend public funds to take action to abate a release or threatened release of hazardous substances, pollutants, and other contaminants at the Dead Creek-Area G site in Sauget, Illinois. This action is authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. §9601 et seq. Under CERCLA, and other laws, responsible parties may be liable for money expended by the government to take necessary corrective action at the site, including investigation, planning, cleanup, and enforcement. Potentially responsible parties include the current owner or operator of the site, the past owner and operator, and persons who generate or were involved in transport, treatment, or disposal of hazardous substances at the site.

Contaminants including polychlorinated biphenyls (PCBs), pentachlorophenol (PCP), and octachlorodibenzo-dioxin have been found on the site. Before the government undertakes the necessary response action at the site, potentially responsible parties are being offered the opportunity to perform voluntarily the required

work to abate endangerment from any releases or threat of release of hazardous substances, pollutants, or contaminants from the site. If private party cleanup is not forthcoming and public funds are expended, potentially responsible parties may be liable for the costs incurred by the government. The U.S. EPA plans to initiate an immediate removal action as the first step toward mitigation of the release or threat of release of hazardous substances at the site. This immediate removal action will include the construction of a fence, according to the following specifications, around the site:

- 1) The fence must be of adequate length to enclose the entire site. The site is bordered by Queeny Avenue on the north, Dead Creek on the east, Wiese Engineering on the west, and a ditched area on the south. Although the site's eastern border is already fenced, this fence might require additional construction or repair in order to meet some of the specifications listed below. In regard to the site's southern border, the fence must be erected at least forty (40) feet outside the ditch that runs east-west.
- 2) The fence must be at least six (6) feet high, nine (9) gauge, and chain-linked. Poles should be included on the top of the chain-link.
- 3) Three (3) strand barbed wire should run along the top of the fence.
- 4) A twenty (20) foot truck gate and several walk-through gates, with adequate locks, must also be provided.

These actions are designed to protect the public health from a release or threat of release of hazardous substances, pollutants, or contaminants. Under Section 107 of CERCLA, potentially

responsible parties may be held responsible for all or part of the costs incurred by the U.S. EPA in undertaking this work and other necessary response or remedial work. Potentially responsible parties have the option, should they decide to exercise it, of initiating these activities if this can be accomplished in a timely and appropriate manner. Due to the nature of this endangerment, immediate action will be required. Potentially responsible parties must notify the U.S. EPA no later than April 17, 1987 at 11:00 a.m. Central Daylight Savings Time if they intend to undertake the work planned by the U.S. EPA. If potentially responsible parties fail to notify the U.S. EPA by the above deadline, the U.S. EPA will begin taking the necessary action at the site in lieu of private party action. Please contact either Thomas Mintz, U.S. EPA, Office of Regional Counsel, 230 South Dearborn Street, Chicago, Illinois 60604, phone (312) 886-6600; or Sherry Kamke, U.S. EPA, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, phone (312) 353-3202 to provide notice or if you have any questions.

This letter confirms the above oral notice and reiterates the responsibilities and rights of Cerro Copper Products Co. under CERCLA. Pursuant to Section 104 of CERCLA, U.S. EPA is authorized to undertake response actions deemed necessary to protect public health or welfare or the environment. U.S. EPA is also authorized to allow potentially responsible parties an opportunity to participate in such response actions.

The U.S. EPA is currently undertaking an emergency response action at the Dead Creek-Area G site in Sauget, Illinois. The U.S. EPA has determined that Cerro Copper Products Co. may be a potentially responsible party for the release or threat of release of hazardous substances, pollutants, or contaminants from the site.

As a potentially responsible party, Cerro Copper Products Co. may be liable for the emergency response costs incurred by the government in taking corrective action at the site. The U.S. EPA will continue to afford Cerro Copper Products Co. an opportunity to participate in future response actions being conducted by the U.S. EPA.

A map of the Dead Creek-Area G site has also be included for your convenience. If you have any questions concerning this matter please contact:

Thomas Mintz
Office of Regional Counsel
United States Environmental
Protection Agency (5CS-16)
230 South Dearborn Street
Chicago, Illinois 60604
Phone (312) 886-6600

or

Sherry Kamke
Waste Management Division
United States Environmental
Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604
Phone (312) 353-3202

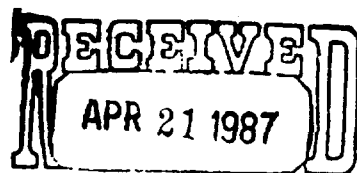
Very truly yours,



 Basil G. Constantelos, Director
Waste Management Division

Enclosure

Law Offices
Martin, Craig, Chester & Sonnenschein
55 West Monroe Street
Chicago, Illinois
60603



BY P. M.

April 17, 1987

TELEPHONE 368-9700
AREA CODE 312

Mr. Henry Schweich
President - Cerro Copper Products Co.
P.O. Box 681
East St. Louis, Illinois 62202

Re: Dead Creek - Area G
Sauget, Illinois

Dear Hank:

Enclosed please find a copy of our letter with acknowledgements of receipt by the U.S.EPA.

Confirming our telephone discussion today, Richard Kissel and Sandi Silverstein will be attending a meeting among representatives of U.S.EPA, Monsanto and Wiesce Engineering on April 23, 1987 at 10:00 a.m. at U.S.EPA's offices in Chicago.

Very truly yours,

A handwritten signature in cursive script, reading "Susan M. Franzetti". The signature is fluid and elegant, with a large initial 'S' and 'F'.

Susan M. Franzetti

SMF/kw

encl.

cc: Paul Tandler
Richard Kissel

Thom P. Muff 4-17-87
10:50

Law Offices
Martin, Craig, Chester & Sonnenschein
55 West Monroe Street
Chicago, Illinois
60603

April 17, 1987

TELEPHONE 368-9700
AREA CODE 312

BY MESSENGER

Basil G. Constantelos, Director
Waste Management Division
United States Environmental
Protection Agency
230 South Dearborn Street
16th Floor
Chicago, Illinois 60604

Re: Dead Creek - Area G
Sauget, Illinois

RECEIVED
APR 17 1987

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR
cc 11:00 a.m.

Dear Mr. Constantelos:

On behalf of Cerro Copper Products Co. ("Cerro Copper"), I am hereby submitting our timely response to the United States Environmental Protection Agency's ("U.S.EPA") April 14, 1987 telephonic notice and written confirmation of that notice, which we received on April 16, 1987, concerning the property known as Dead Creek - Area G located in Sauget, Illinois. In that notice, U.S.EPA states that it intends to expend public funds to take action to abate a release or threatened release of hazardous substances, pollutants, and other contaminants at the Dead Creek - Area G site. Cerro Copper, however, is willing to perform voluntarily the immediate action of constructing a fence, according to mutually agreed upon specifications, around that portion of the site property owned by Cerro Copper. Alternatively, Cerro Copper is willing to participate in funding the construction of such a fence around the Area G site in a fair and equitable manner. Therefore, Cerro Copper requests a meeting with U.S.EPA's representatives as soon as possible to discuss our proposal so that an expeditious and effective resolution of this matter can be obtained.

As you probably know, Cerro Copper has been cooperating fully with the Illinois Environmental Protection Agency ("IEPA") in connection with the Dead Creek study. Cerro Copper obviously is willing to extend that same level of cooperation to U.S.EPA, as confirmed by the substance of this response, because of our concern for the safety and health of our workers and our community. Cerro Copper's offer to take the above-described action stems from these concerns.

S291

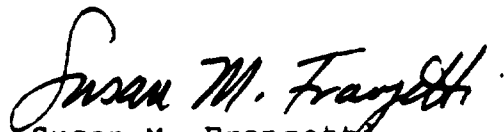
Martin, Craig, Chester & Sonnenschein

Basil G. Constantelos, Director
April 17, 1987
Page 2

Cerro Copper does not agree with U.S.EPA's determination that it may be a potentially responsible party for the Dead Creek - Area G site. We submit that pursuant to Section 107(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. §9601 et seq., Cerro Copper is an innocent landowner who did not dispose of, cause to be disposed of, or have knowledge of the disposal of any hazardous substances on that portion of its property included in Dead Creek- Area G. The undeveloped property in question is separated from and has never been a part of the property on which Cerro Copper conducts any operations. Therefore, by the instant offer to take the aforesaid action, Cerro Copper does not waive any of its rights or defenses under CERCLA.

Please contact me at your earliest convenience to schedule a meeting between Cerro Copper's and U.S.EPA's representatives.

Very truly yours,


Susan M. Franzetti
Counsel for Cerro Copper
Products Co.

SMF/kw

cc: Thomas Mintz

9/11

Com from W. Sullivan, Monmouth

Revised

U.S. EPA looking for
reimb. for "Overnight Costs" on Area "G."
from per \$50-bulk, further
to negotiations.

Wants to set up a meeting with
Wise (Tommy Wittenberg) and come
to discuss a possible response

US EPA 10/14

Tom WITTE

9/15 2:30 PM
Wittenberg
314/241-9090

CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

INTERNAL MEMORANDUM

OTHER ADDRESSEES - FOR INFORMATION

T. Cornwell
R. E. Conreaux
R. Deatherage
A. Finkelstein
J. R. Matcuk
H. L. Schweich
~~P. Tandler~~
File

HQ-10

SHOW NAME, TITLE AND UNIT OF ADDRESSEE AND ADDRESSOR

TO: Above Addressees

DATE: May 14, 1987

FROM: S. A. Silverstein

SUBJECT: PROPERTY ACCESS

Fencing the area south of Queeny Avenue has been completed in compliance with the order received from the EPA. There are several gates in the fence each of which is locked. A master key for the locks is being retained by the Guards should anyone have need to access that property.

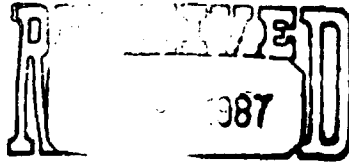


SAS/ge

5/6/87 cc. H.L. Schmone

Law Offices
Martin, Craig, Chester & Sonnenschein
55 West Monroe Street
Chicago, Illinois

60603



BY **EL**

May 4, 1987

TELEPHONE 312-368-9700
FAX 312-372-3090

SYDNEY G. CRAIG (1918-1979)
HUGO SONNENSCHN (1917-1981)
WILLARD ICE (1915-1980)
ADELOR J. PETIT, JR. (1899-1986)

JACOB H. MARTIN
CHARLES L. MICHOD
OF COUNSEL

CHARLES G. CHESTER
W. S. MARTIN GROSS
RICHARD J. KISSEL
JOSEPH S. WRIGHT, JR.
CHARLES L. MICHOD, JR.
THOMAS B. CASSIDY
DAVID C. FALLS
LARRY M. ZANGER
RICHARD J. LANG
RONALD N. HEFTMAN
JOANNE H. SAUNDERS
ROBERT R. EKROTH
THOMAS H. DONOHUE
JEFFREY C. FORT
ROY M. HARSCH
ROBERT W. EARNHART, JR.
LOIS J. BASEMAN

CATHLEEN M. KEATING
NICHOLAS J. NEDEAU
SUSAN M. FRANZETTI
WILLIAM A. POWEL, III
DANIEL F. O'CONNELL
BRADLEY R. O'BRIEN
JAMES J. DENAPOLI
DAVID L. GROBART

Sandi Silverstein
Cerro Copper Products Co.
P.O. Box 681
East St. Louis, Illinois 62202

Dear Sandi:

This will briefly confirm our meeting and discussion we had with U.S.EPA on April 24, 1987. I am enclosing a copy of the people who attended the meeting for U.S.EPA and Illinois EPA. Basically, U.S.EPA indicated that they had received information from the State of Illinois that Area G of the investigation of the Dead Creek area showed substantial concentrations of PCP, PCB's and dioxin. Because of the high concentrations, according to U.S.EPA a response action is required. This response action will include the construction of a fence around the property.

Basically, the U.S.EPA believes that about 2,000 feet of fencing is required in total and this will be less because the fence to the east will be considered appropriate for fencing the property. U.S.EPA had received word from Monsanto that Monsanto was going to participate in the fencing of the property.

To effectuate this response, the U.S.EPA will provide us with an administrative order and consent as well as access

agreements. In addition, U.S.EPA will supposedly sent out information requests for specific information.

Until we receive the information from U.S.EPA, there is no need for action, but our responsibility here is relatively small at this point.

Sincerely yours,



Richard J. Kissel

RJK:kc

Enclosure

cc: Mr. Paul Tandler ✓
Dr. Jim Patterson
Ms. Susan Franzetti

SIGN IN

NAME

FIRM / REPRESENTING / PHONE

Jeff Larson

USEPA 2200 Churchill

SPFLD. IL 62204

317
782-3335

Dick Kissel

MCC+S for Cerro Coppe

312
368 9700

David Favero

U.S. EPA / CES 312-886-4749

Chip Landman

USEPA / ORC 312-886-5323

Tom Mintz

USEPA / ORC 312-886-6600

WALTER WITTENBERG

GHWGC / H.W. Wiese 314-241-9090

SA Silverstein

Cerro Coppe (618) 337-6000



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

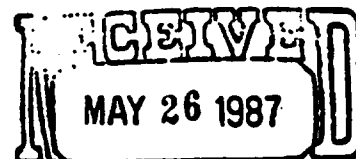
REPLY TO THE ATTENTION OF:

5HE-12

MAY 19 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED
MAY 20 1987
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 5
CHICAGO, ILLINOIS 60604



BY: P. T.

RE: Dead Creek-Area G
Sauget Site
Sauget, Illinois

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous pollutants and contaminants at the above referenced site, and is planning to spend public funds to investigate and control the release or threatened release at this site. Unless the U.S. EPA determines that a potentially responsible party will properly and promptly perform such action, the U.S. EPA will itself perform such action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601, et seq., (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986)(SARA).

The U.S. EPA has information that you may be a potentially responsible party. According to Section 107 of CERCLA, potentially responsible parties who may be liable include the current and former owners or operators of the site, and persons who generated the hazardous substance or were involved in the transport, treatment, or disposal of them at the site. Therefore, pursuant to Section 122(e) of SARA, the purpose of this letter is to notify you of your potential liability with respect to this site.

Under Section 107(a) of CERCLA, potentially responsible parties may be liable for costs incurred by the government, through the use of public funds, in responding to any release or threatened release from the site. Such costs can include, but are not limited to, expenditures for planning, investigation, studies, clean-up, and enforcement.

The U.S. EPA is seeking to obtain certain information from you pursuant to its authority under Section 104 of CERCLA, 42 U.S.C. §9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6927, for the purpose of enforcing CERCLA and RCRA and for the purposes of assisting in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require

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any person who generates, stores, treats, transports, disposes, arranges for the disposal of, or otherwise handles hazardous wastes and hazardous substances, as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. 6903(5) and Section 101(14) of CERCLA, 42 U.S.C. 9601(14), to furnish the U.S. EPA with information related to such activities. Pursuant to these statutory provisions, you are hereby requested to submit the information requested below.

1. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. In addition, identify the following:
 - a. The persons with whom you or such other persons made such arrangements;
 - b. Every date on which such arrangements took place;
 - c. For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
 - d. The owner of the waste materials or hazardous substances so accepted or transported;
 - e. The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
 - f. All tests, analyses, and analytical results concerning the waste materials;
 - g. The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
 - h. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
 - i. Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
 - j. Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
 - k. What was actually done to the waste materials or hazardous substances once they were brought to the Site;
 - l. The final disposition of each of the waste materials or hazardous substances involved in such transactions;

- m. The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;
 - n. The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
 - o. The price paid for (i) transport or (ii) disposal or (iii) both, for each waste material and hazardous substances;
 - p. All documents containing information responsive to a.-p. above, or in lieu of identification of all relevant documents, provide copies of all such documents;
 - q. All persons with knowledge, information, or documents responsive to a.-p., above.
2. State the dates during which you owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement (e.g. deeds, leases, etc.). Also provide the following:
- a. Copies of any and all documents regarding the use and ownership of Dead Creek-Area G, Sauget Site including, but not limited to, deeds, contracts, leases, substances, purchase agreements, and correspondence.
 - b. A description of any arrangement made for the use of the site including, but not limited to, deeds, contracts, leases, substances, and purchase agreements. This description shall include the following:
 - a. Names of parties
 - b. Duration of parties
 - c. A general description of the terms of arrangement.
3. Provide information about the Site, including but not limited to the following:
- a. Property boundaries, including a written legal description;
 - b. Location of underground utilities (telephone, electrical sewer, water main, etc.)
 - c. Surface structures (e.g., buildings, tanks, etc.);
 - d. Ground water wells, including drilling logs;

- e. Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s) and other underground structures; and where, when and how such systems are emptied.
 - f. Any and all additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the site; and
 - g. All maps and drawings of the Site in your possession.
- 4. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.
 - 5. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well documents containing analysis or interpretation of such data.
 - 6. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrogeology or air quality on or about the Site? If so, identify:
 - a. What the nature and scope of these investigations will be;
 - b. The contractors or other persons that will undertake these investigations;
 - c. The purpose of the investigations;
 - d. The dates when such investigations will take place and be completed; and
 - e. Where on the Site such investigations will take place.
 - 7. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances or chemicals by you, your contractors, or by prior owners and/or operators.
 - 8. Did you ever use, purchase, generate, store, treat, dispose, transport or otherwise handle any hazardous substances or materials? If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
 - b. Who supplied you with such hazardous substances;
 - c. How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;

- d. When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - e. Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
 - f. The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
9. Did you ever use, purchase, generate, treat, dispose, transport or otherwise handle waste materials or substances such as polychlorinated biphenyls (PCBs), pentachlorophenol (PCP), polynuclear aromatic hydrocarbons (PAHs), chlorobenzenes, xylenes, 4-4 DDE, chlorinated solvents and ketones? If the answer to the preceding question is anything but an unqualified "no," identify:
- a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of the waste material, or substances;
 - b. Who supplied you with the waste materials or substances;
 - c. How these waste materials or substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - d. Where these waste materials or substances and petroleum products were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - e. When these waste materials or substances and petroleum products were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - f. The quantity of these waste materials or substances and petroleum products that were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
10. Were hazardous materials thrown, spilled, poured, leaked or in any way released into or onto the top soil, ground or floor on the Site? If the answer to the preceding question is anything besides an unqualified "no," identify:
- a. When such releases occurred;
 - b. How the release occurred;
 - c. What amount of waste materials or substances and petroleum products was so released;
 - d. Where such releases occurred;
 - e. Any and all activities undertaken in response to each such release or threatened release, and all agencies notified of such release or threatened release.

- f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing that was undertaken.
 - g. All persons with information relating to these releases.
11. Has soil ever been excavated or removed from the Site?
Unless the answer to the preceding question is anything besides an unequivocal "no," identify:
- a. Amount of soil excavated;
 - b. Location of excavation;
 - c. Manner and place of disposal and/or storage of excavated soil;
 - d. Dates of soil excavation;
 - e. Identity of persons who excavated or removed the soil;
 - f. Reason for soil excavation;
 - g. Whether the excavation or removed soil contained hazardous materials and why the soil contained such materials;
 - h. All analyses or tests and results of analyses of the soil that was removed from the site.
 - i. All persons, including contractors, with information about question 11, (a) through (h) of this Information Request.

Your response to this information request should be sent to:

Ms. Susan Swales SHE-12
U.S. EPA - Region V
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

The information sought pursuant to this request pertains to any and all information in your possession, custody or control relating to the operation of the above referenced site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the Dead Creek-Area G Sauget Site.

The purpose of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, manifests, shipping orders, packing slips, bills of lading, invoices, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste

materials to, through, or from, the above referenced site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification materials of any kind.

The information sought herein must be sent to U.S. EPA within thirty (30) calendar days of your receipt of this letter. Under Section 3008 of RCRA, 42 U.S.C. §6928, failure to comply with this request may result in an order requiring compliance or in a civil action for appropriate relief. These provisions also provide for civil penalties. Failure to comply with this request may also result in a civil enforcement action being brought against you by U.S. EPA under Section 104 of CERCLA, 42 U.S.C. §9604.

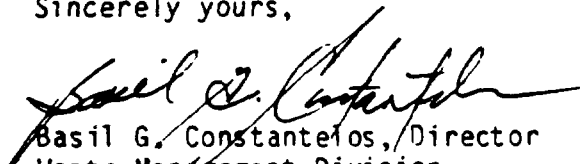
The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find at any time after the submittal of the requested information, that any portion of the submitted information is false or incomplete, the signatory should so notify the U.S. EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001.

If you need further information regarding this letter, you may contact Ms. Susan Swales at (312) 886-7336, or Mr. David Favero at (312) 886-4749. If you have any legal questions, contact Mr. Thomas Mintz at (312) 886-6600.

Due to the nature of the problem at this site and the attendant legal ramifications, the U.S. EPA strongly encourages you to submit a written response to the information request within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,


Basil G. Constantelos, Director
Waste Management Division

June 30, 1987

Mr. Warren L. Smull
General Superintendent - Environmental Affairs
Monsanto Chemical Company
500 Monsanto Avenue
Sauget, Illinois 62206-1198

Dear Warren:

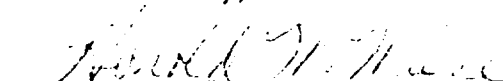
We are in receipt of your letter of June 8, 1987, with respect to the fence erected by Monsanto at the direction of the U. S. EPA, which encloses an area of approximately five acres designated by the EPA as "Dead Creek Area G" in Sauget, Illinois. Your total construction costs with respect to the erection of this fence was \$11,838.00. You have asked me to participate in the cost of erection of this fence by the forwarding to you my check, payable to Monsanto, in the amount of \$3,946.00.

Enclosed please find check, payable to the Monsanto Chemical Company, in the amount of \$3,946.00. This check represents, as I understand from your letter, payment for 1/3 of the total construction cost of the fence.

This payment is being made to Monsanto solely with the understanding that it is made in a spirit of cooperation and mutual best interest in response to the U. S. EPA's communications to me, Monsanto and others, and in no way represents or shall constitute an admission by me of any liability for the conditions at "Dead Creek Area G". In addition, the payment is not and shall not constitute an admission by me on behalf of myself or others, of any responsibility or proportionate share of responsibility for the alleged conditions at "Dead Creek Area G". Since I have never been involved in any business or other activity with respect to substances alleged to be present at the site, I do not believe I have any responsibility for the condition alleged to be present at "Dead Creek Area G" and doubt whether a per capita share of costs is proper or appropriate with respect to any potential remedial action required at the site or the cost thereof. Your receipt of my check is Monsanto's agreement that the payment is subject to the conditions and terms stated above.

Monsanto's cooperation with me, Cerro, the EPA and others, is appreciated and we look forward to cooperating with you and Cerro on a continuing basis with respect to resolving this matter.

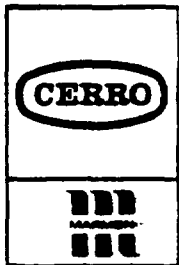
Sincerely,


Harold Wiese

HW:nv

cc: Jack Molloy, Monsanto Chemical Company, Sauget, Illinois
cc: Paul Tandler, Cerro Copper Products Company, Sauget, Illinois

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CERRO COPPER PRODUCTS CO.

A member of The Marmion Group of companies

June 24, 1987

EXPRESS MAIL
Certified RRR

Ms. Susan Swales, 5 HE-12
U.S. EPA Region V
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, IL 60604

RE: Dead Creek - Area G, Sauget Site, Sauget, Illinois

Dear Ms. Swales:

This letter is the response of Cerro Copper Products Co. (Cerro) to your information request dated May 19 and received May 26, 1987 in the above matter. Before answering the specific questions, Cerro provides the following preliminary statement:

I. SARA §122(e) SETTLEMENT PROCEDURES

We note that in paragraph 2 on page 1 of your information request, you indicate that you are notifying Cerro of potential liability pursuant to SARA §122(e). The settlement provisions of §122(e) are applicable whenever the president "determines that a period of negotiation...would facilitate an agreement with potentially responsible parties for taking response action."

Cerro agrees with EPA that negotiation is appropriate for the above Site and we welcome the opportunity to discuss this Site with EPA. To further those negotiations, Cerro is hereby requesting the information to which it

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Ms. Susan Swales, 5 HE-12
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is entitled under SARA §122(e), including the names and addresses of other potentially responsible parties, the nature of the substances and volumes of such substances from each potentially responsible party to the Site and a ranking by volume of potentially responsible parties. We also need to obtain complete and accurate copies of all sampling and analysis from the area G site. To our knowledge the only data currently in the possession of U.S. EPA is that provided by IEPA based upon sampling and analysis performed by its contractor, Ecology & Environment. It is our understanding that the scope of work being performed by Ecology & Environment for IEPA is not intended to obtain representative results, but is directed toward obtaining "hot spot" data. Accordingly, we are not in a position to vouch for either the accuracy or the representative nature of the data. After receiving this information, Cerro will use the 120-day moratorium on remedial action contained in SARA §122(e) to evaluate the data and discuss the appropriate response to conditions at the Site with EPA.

II. AREA G

A. Cerro Does Not Own "Area G"

As we understand it, Area G comprises approximately 4 or more acres of land to the south of New Queeny Avenue between Dead Creek and Route 3 in Sauget. Cerro owns less than 20% of Area G. The land it owns consists of a triangular lot of approximately 3/4 acres that Cerro has owned since February 1969. The lot is undeveloped land. During its ownership, Cerro

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Ms. Susan Swales, 5 HE-12
U.S. EPA Region V
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Page 3

has never conducted any commercial or industrial activities on the parcel and never permitted others to conduct any activity on the parcel. To the extent Cerro may be deemed an owner of "Area G" at all, its ownership is limited to the 3/4 acre triangular parcel.

Cerro knows of no disposal of hazardous substances on the 3/4 acre parcel during its ownership and, therefore, submits that it acquired the property after such disposal took place. In 1969 when Cerro acquired the property from the Village of Sauget, it did not know and it had no reason to know that hazardous substances were disposed of on the property. In 1969, Cerro knew that the property had been used as a borrow pit and then filled and re-graded with what Cerro believed was clean fill.

Cerro submits that these circumstances should relieve it from liability as owner of the 3/4 acre parcel that is part of "Area G". The facts concerning the ownership of the 3/4 acre parcel are elaborated upon in the answers given below to EPA's specific questions.

B. Cerro is Not a Generator or Transporter to "Area G"

Other than its ownership of the 3/4 acre parcel as described above, Cerro has absolutely no connection with Area G. Cerro never generated any hazardous substances, transported such substances, stored, disposed of or arranged for the disposal of such substances at either the 3/4 acre parcel that Cerro owns or the remainder of Area G.

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Ms. Susan-Swales, 5 HE-12
U.S. EPA Region V
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III. LIMITATION TO RESPONSES

Cerro understands from page 6 of your information request that the information sought relates only to the operation of Area G and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the Dead Creek/Area G Sauget Site. Cerro's responses conform to this limitation.

IV. SPECIFIC RESPONSES

1. We know of no person who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment of waste materials, including hazardous substance, at the Site or to the Site. See Preliminary Statement.

2. Early in the year 1948 a parcel of property was acquired by the Lewin-Mathes Company. On July 26, 1948 Lewin Mathes Company transferred to the Village of Monsanto a portion of that property including a triangular segment about 3/4 of an acre, at the southeast corner which is included in Area G. Lewin-Mathes Company was subsequently acquired by Cerro de Pasco Corporation, which in turn was later merged into the Marmon Group of companies, which is now the sole owner of Cerro Copper Products Co.

On February 7, 1969 the 3/4 acre triangular parcel was purchased by Cerro from the Village of Sauget (formerly Village of Monsanto):

(a) Attached hereto are copies of the following which are all of the documents that are currently in Cerro's possession regarding the

CERRO COPPER PRODUCTS CO.
A member of The Marmon Group of companies

Ms. Susan Swales, 5 HE-12
U.S. EPA Region V
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ownership of Dead Creek - Area G, Sauget Site:

Exhibit A - Warranty Deed by Lewin-Mathes Co., dated July 26, 1948,
granting the 3/4 acre property to the Village of
Monsanto, Illinois.

Exhibit B - Village ordinance describing "Tract 2" available for public
sale.

Exhibit C - Survey dated March 8, 1970.

Exhibit D - Quit Claim Deed dated February 7, 1969.

(b) Throughout the time when Cerro or related companies owned the
Site, they never arranged for any use of the Site by any other party
or parties. Cerro itself never used the Site. See Preliminary
Statement.

3. The following information about the Site that is currently in Cerro's
possession is provided:

- (a) Appended hereto, Exhibit E, is a legal description of the property.
- (b) There are no underground utilities on the property.
- (c) There are no surface structures on the property.
- (d) There are 2 monitoring wells on the property which were installed
by the Illinois Environmental Protection Agency on January 26, 1987.
- (e) There are no storm water drainage systems, sanitary sewer system,
past or present, including septic tanks, subsurface disposal
fields and other ground structures on this property, nor, to our
knowledge have there been any in the past.

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Ms. Susan Swales, 5 HE-12
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(f) There have been no additions, demolitions or changes of any kind on or under or about the Site during Cerro's ownership; and there are no planned additions, demolitions or other changes to the site. When the 3/4 acre parcel was owned by the Village of Sauget it was excavated and used as a borrow pit and then brought back to natural grade by the addition of fill. See Preliminary Statement.

(g) Appended hereto, Exhibit F is a representative drawing of the Site that is in our possession. Cerro may have numerous drawings and maps of its plant site that may include the 3/4 acre parcel that Cerro owns or other portions of Area G within the area they depict. Cerro will provide access to any such maps on request.

4. Throughout Cerro's ownership of the 3/4 acre parcel there have been no activities or business at the Site with respect to purchasing, receiving, processing, storing, treating, disposing or otherwise handling hazardous substances or materials at the Site. See Preliminary Statement.

5. Appended hereto, Exhibit G, is a copy of a laboratory report concerning the analysis of a groundwater sample drawn from one of the two monitoring wells described in 3-d, above. The sample was drawn by the Illinois EPA on March 24, 1987 and was provided to us in accordance with an Access Agreement that exists between Cerro and IEPA. Also appended, Exhibit H, are analyses of soil samples taken by IEPA on January 26 and 27, 1987 and provided

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U.S. EPA Region V
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to us as above.

6. Additional investigations of the soil and/or water quality on or about the Site may be performed in the future by Cerro's consultants, contingent on information that we expect to receive from IEPA pursuant to the Access Agreement. As indicated above, Cerro intends to cooperate with EPA in accordance with the SARA §122(e) provisions and may conduct investigations as part of that cooperation.

7. Cerro knows of no person or persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances or chemicals on or about the Site.

8. Cerro has never used, purchased, generated, treated, disposed, transported or otherwise handled any hazardous substances or materials at the Site or that were transported to or ultimately disposed of at the Site.

9. Cerro has never used, purchased, generated, treated, disposed, transported or otherwise handled waste materials or substances such as PCB's, PCP, PAH's, chlorobenzenes, xylenes, 4-4 DDE, chlorinated solvents or ketones at the Site or that were transported to or ultimately disposed of at the Site.

10. There are no occasions known to Cerro when waste material was released on to the top soil of this Site. Based on discussions with EPA and IEPA, Cerro believes those Agencies have data that suggest waste material was released into or on the top soil at the Site. Cerro has no information as to when such releases may have occurred, how they may have

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Ms. Susan Swales, 5 HE-12

U.S. EPA Region V

June 24, 1987

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occurred, what amount of materials or substances were so released, nor what individual or individuals may have been responsible for such release. Cerro understands that E & E, on behalf of IEPA, has conducted an investigation of the Site. Groundwater and soil samples relating to Area G that Cerro split with IEPA and had analyzed separately are attached as Exhibit G & H. To date, the only action known to Cerro taken in response to the releases is the construction of a fence around Area G.

11. No soil has ever been removed during Cerro's ownership of the 3/4 acre parcel. While the parcel was owned by the Village of Sauget between 1948 and 1969, it was used as a borrow pit and soil was excavated. Cerro has no other information concerning soil excavation at the Site or concerning the amount of excavation or by whom.

If you require clarification of the above responses or further information concerning the Site, Cerro will gladly supplement these responses. Although it does not believe that it is liable for conditions at the Site, Cerro remains willing to cooperate with EPA concerning the Site. Cerro has already shown its concern for the environment by funding, with Monsanto Co. and others, the cost of fencing Area G in response to EPA's decision that the Area must be fenced. Cerro's willingness to cooperate and its agreement to fund in part the cost of fencing of Area G are not to be taken as any admission of any fact or issue of liability concerning Cerro's ownership of a portion of Area G. Cerro reserves the right to seek reimbursement from the Superfund for its contribution to the costs of constructing the

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U.S. EPA Region V
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fence. Nonetheless, Cerro chose to do the environmentally responsible thing and construct the fence now and leave for later the determination of who ultimately should pay for the fencing. Cerro, as a responsible member of the community, remains willing to cooperate further in the future.

Very truly yours,

CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies



Paul Tandler
Vice President-Manufacturing

PT/ge

Enclosures

bcc: H. L. Schweich
S. A. Silverstein
M. Rodburg, Lowenstein, Sandler, et al
J. Patterson, Patterson Assoc. Inc.
R. Webb, Marmon Group
~~File (2)~~



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

June 1987
Warren L. Smull
General Superintendent
Environmental Affairs
Monsanto Chemical Company
500 Monsanto Avenue
Sauget, Illinois 62206-1198

Re: Dead Creek-Sauget Site G

Dear Mr. Smull:

This letter is an acknowledgment of the work performed by Monsanto Chemical Company ("Monsanto") with respect to the construction of a security fence around Dead Creek-Sauget Site G ("the Site"). The Site is an approximate 7 acre tract of land located immediately south of Queeny Avenue, west of Dead Creek, north of an agricultural field and east of a local engineering company.

The United States Environmental Protection Agency ("U.S. EPA") became involved with the Site at the request of the Illinois Environmental Protection Agency. In its Action Memorandum of April 29, 1987, U.S. EPA determined that (i) hazardous substances had been released into the environment at the Site and (ii) a response action under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601, et seq., is necessary to mitigate an imminent and substantial threat to public health, welfare and the environment from these hazardous substances. Specifically, the U.S. EPA determined that the necessary action would be the construction of a security fence around the Site.

As a result of these determinations, U.S. EPA contacted certain potentially responsible parties ("PRPs"), both by telephone and in writing, so that they would have the opportunity to perform the work that the U.S. EPA required for the Site. On April 15, 1987, U.S. EPA gave Monsanto telephonic notice of the U.S. EPA's intent to fence the Site. During the course of this telephone conversation, Monsanto was offered the opportunity to attend a meeting between U.S. EPA and the property owners of the Site to discuss the possibility of the construction of the security fence by private parties. Although, at the time of this telephone conversation, U.S. EPA had not determined that Monsanto

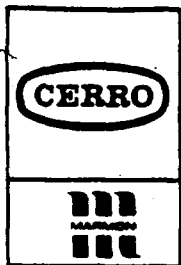
was a PRP, U.S. EPA felt that Monsanto should be contacted based upon Monsanto's involvement with other sites in Sauget. On April 24, 1987, approximately one and a half hours before this meeting, Monsanto informed the U.S. EPA by telephone that it was willing to construct the fence. Subsequently, Monsanto erected the security fence around the Site according to U.S. EPA's specifications. No order was issued to Monsanto under Section 106 of CERCLA.

It is to be understood that both Monsanto and the U.S. EPA reserve all of their rights and defenses in regard to this action. Monsanto's construction of the fence was voluntary and was not based on any admission of liability in this matter. Likewise, the U.S. EPA's decision to allow Monsanto to perform the work in lieu of federal action does not preclude the U.S. EPA from seeking a recovery of any cost it has incurred, either now or in the future.

If you have any questions concerning this matter, you may contact Mr. Thomas Mintz at (312) 886-6600.

Sincerely yours,


Basil G. Constantelos, Director
Waste Management Division



CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

bcc: H. L. Schweich
J. R. Matcuk - Attachment
S. A. Silverstein

~~_____~~
bbcc: H. W. Wiese

June 15, 1987

Monsanto Chemical Company
500 Monsanto Avenue
Sauget, IL 62206-1198

Attention: Mr. Warren L. Smull
General Superintendent,
Environmental Affairs

Dear Warren:

Monsanto, Cerro and others were directed by U.S.EPA to fence an area of approximately 5 acres known as Area "G" in Sauget, Illinois. Monsanto, as a responsible and conscientious member of the community, constructed the fence at a cost of approximately \$12,000 and has asked Cerro to pay one-third.

Cerro is willing to join Monsanto in its commendable effort to fund the construction of the fence at Area "G". Enclosed is Cerro's check in the sum of \$3,946 in payment of one-third of the construction cost.

Please understand that this payment is made in a spirit of cooperation and mutual best interests, and in no way represents an admission by Cerro of any liability for conditions at Area "G". Nor is the payment an admission by Cerro of its (or other's) proportionate share for the alleged conditions. Indeed, we have substantial doubt as to whether a simple per capita sharing of costs is appropriate for any substantial expenditures associated with potential remedial action at that site.

However, we will and do look forward to working cooperatively with you in this endeavor, as well as other projects intended to improving the environment in this area.

Best regards,

Sincerely,

CERRO COPPER PRODUCTS CO.
A member of The Marmon Group of companies


Paul Tandler
Vice President-Manufacturing

PT/ge

Enclosure - Check

cc: J. Molloy, Monsanto Company
W. Wittenberg, Greensfelder, Hemker, Wiese, Gale & Chappelow, P.C.
(Attorney for H. W. Wiese)

S270

Cover letter for check to Monsanto.

Dear :

OK Both Monsanto & Cerro ^{and others} were directed by USEP
to fence an area of approximately 5 acres known
as Area "G" in Sauget, Ill. Monsanto,
as a responsible and conscientious member of the
Community, constructed the fence at a cost
of \$12,000 and has asked Cerro to pay one-third
~~approx~~

OK Cerro is willing to ~~join~~ ^{in its} join Monsanto ^{community}
to ~~the~~ funding the construction of the fence at
Area G. ~~The~~ Enclosed is Cerro's check in the
sum of ~~\$4,000~~ ³⁹⁴⁶ in payment of one-third of the construction
cost.

This payment is made
to you in a spirit
of cooperation and mutual
best interests.

As in

Monsanto

Monsanto Chemical Company
500 Monsanto Ave.
Sauget, Illinois 62206-1198
Phone: (618) 271-5835

June 8, 1987

Mr. Paul Tandler
Cerro Copper Products Company
P.O. Box 681
East St. Louis, Illinois 62202

Mr. Harold Wiese
Wiese Planning & Engineering, Inc.
1445 Woodson Road
St. Louis, Missouri 63132

Dear Sirs:

On April 23 I met with your representatives, Mr. Sanford Silverstein and Mr. Walter Wittenberg, concerning the written requests Cerro and Wiese had received from USEPA-V and a similar verbal request received by Monsanto concerning fencing of "Site G". Monsanto's decision to respond affirmatively to the USEPA-V was discussed and I suggested that if each of you wished to participate, we could split the cost three ways for lack of a better basis for allocating the cost. They responded to the effect that you were willing to fence the area, but first planned to meet with USEPA-V to insure that your legal rights were not compromised by doing same.

On April 24, prior to their meeting with USEPA-V, we advised USEPA-V of our intentions and as you are aware have proceeded to fence the site to USEPA-V requirements.

Attached is the purchase order and invoice from our contractor, Granite Fence Co. Total cost of the work including two minor extras requested by USEPA-V during the course of the work but excluding our overhead cost was \$11,838.00.

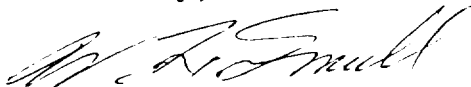
S272

6/10/87 Hank: I recommend we pay our
ONE-THIRD PORTION OF THE COST AS
REQUIRED.
cc: J.R. MATHEW
6/11/87
OK from H.C.S.

Mr. Paul Tandler
Mr. Harold Wiese
June 8, 1987
Page 2

Assuming that you remain willing to participate in the fencing project, would each of you please forward to my attention a check for one-third of this cost, \$3,946.00, payable to Monsanto Company.

Sincerely,



Warren L. Smull
General Superintendent
Environmental Affairs

/bjj
Attachment

cc: Mr. Jack Molloy, Monsanto Company
Mr. Sanford Silverstein, Cerro Copper Products Company
Mr. Walter Wittenberg, Greensfelder, Hemker, Wiese
Gale & Chappelow, P.C.

CERRO COPPER PRODUCTS CO.

AUTHORITY FOR MISCELLANEOUS CHECKS

☒ ST. LOUIS ☐ SHEBBINA ☐ NEW HOSS

ISSUE CHECK PAYABLE TO:

DATE

6/11 19 87

Monsanto Company

500 MONROVIA AVE

ST. LOUIS 63119

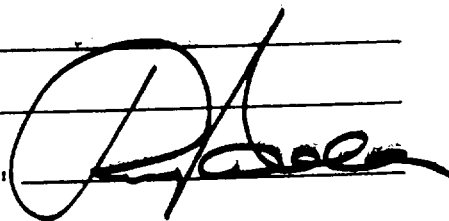
\$ 3946.00

REASON: To pay for mounting for fence
construction cost.

ACCOUNTING DISTRIBUTION: X

REQUESTED BY: _____

APPROVED BY: _____





18th & EDISON AVE., GRANITE CITY, IL 62040

Invoice

NO. 13268

DATE 5-19-87

SOLD TO

Monsanto Company
W. G. Krumrich Plant
Sauget, IL 62201

Attn: Accounts Payable Dept.

SHIPPED TO

Site G Fence Project

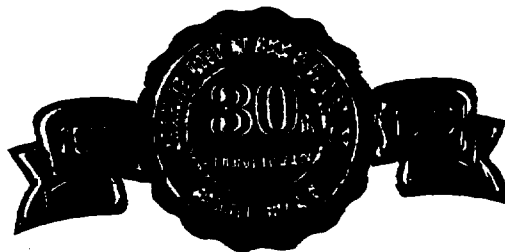
OUR ORDER NO.	YOUR ORDER NO.	SALESMAN	TERMS	SHIPPED VIA	Ppd. or Coll.
	BX09375		Net 30		

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	Fencing per contract		11,217
	Extra work orders:		
	Install 4 padlocks		40
	Install 4 signs		176
			11,453
			325
			11,838

MAY 22 1987

plus tax

Total



S275

Monsanto

500 MONSANTO AVE.
W.G. KRUMMRICH PLANT
Sauget, Illinois 62206-1198
Phone: (618) 271-5835

PURCHASE ORDER

DATE	LOC.	NUMBER
05/04/87	0003	BX0937

PLEASE SHOW THIS PURCHASE ORDER NUMBER ON INVOICE, SHIPPING LABEL, BILL OF LADING AND FREIGHT BILL

LOADING AND SHIPPING INSTRUCTIONS

BILL TO

SHIPPING INSTRUCTIONS

MARK EACH ITEM WITH MC NUMBER
SHOW MONSANTO PURCHASE ORDER NO. ON EACH PACKAGE DRAY SLIP, BILL OF LADING SHIPPING NOTICE & INVOICE.
ALL SHIPMENTS MUST CONTAIN PACKING LIST & INDICATED CARTON.
DELIVER BETWEEN 8 AM AND 3 PM MONDAY THROUGH FRIDAY.
SHIP VIA CHEAPEST ROUTING UNLESS OTHERWISE SPECIFIED BELOW.
THREE INVOICES PER P.O. AND NET PRICE FOR EACH ITEM WITH ALL COST COMPONENTS LISTED SEPARATELY.
ACKNOWLEDGE ORDER IMMEDIATELY, ADVISING SHIPPING DATA TO ATTN: SIGNED

MONSANTO COMPANY
500 MONSANTO AVE.
W.G. KRUMMRICH PLANT
Sauget, Illinois 62206-1198
ATTN: ACCOUNTS PAYABLE DEPT.

SHIP TO	ROUTE	TERMS
SHIPPING POINT	BEST METHOD	NET 30

SELLER

GRANITE FENCE CO.


P. O. BOX 400

GRANITE CITY

IL 62040

SHIP TO

MONSANTO COMPANY
500 MONSANTO AVE.
W.G. KRUMMRICH PLANT
Sauget, Illinois 62206-1198

I	MCC	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE
1		1	JOB	INSTALL 9 GAUGE CHAIN LINK FENCE AROUND THE PERIMETER OF SITE G. FENCE SHALL BE 6 FEET TALL WITH 3 STRANDS OF BARB WIRE ON TOP OF FENCE. FENCE LINE SHALL BE CLEARED OF TREES AND SCHRUBBERY. ALL FENCE POSTS SHALL BE DRIVEN. ONE 20 FT WIDE GATE AND 3, 3 FEET WIDE WALK THRU GATES SHALL BE INSTALLED UNDER THE DIRECTION OF THE US EPA. WORK SHALL COMPLY WITH THE HEALTH AND SAFETY PLAN FOR THIS PROJECT. DATE REQUIRED 05/01/87 TOTAL PURCHASE ORDER AMOUNT ILLINOIS SALES TAX APPLIES. IF THE MATERIAL ORDERED ON THIS PURCHASE ORDER IS CLASSIFIED AS HAZARDOUS BY OSHA STANDARD 29 CFR 1910.1200 PLEASE INSURE A MATERIAL SAFETY DATA SHEET (MSDS) IS SUBMITTED WITH THE FIRST SHIPMENT. MSDS SHOULD BE SENT ATTN: INDUSTRIAL HYGIENE  S276	11297.00
THIS IS LAST PAGE OF PURCHASE ORDER - PAGE 1					

DELIVERY REQUIRED _____ OR SOONER _____

SALES TAX APPLIES: ☒ ADD TO INVOICE

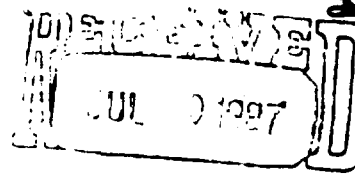
USE TAX APPLIES: ☐ ADD TO INVOICE

PURCHASE EXEMPT FROM SALES/USE TAX ☐

BY SHIPPING THE ABOVE GOODS OR BY ACKNOWLEDGING RECEIPT OF THIS ORDER, HEREAFTER CALLED "CONTRACT," YOU AGREE TO THE TERMS AND CONDITIONS SET FORTH ON THE FACE SIDE AND THE REVERSE SIDE HEREOF. ANY DIFFERENT OR ADDITIONAL TERMS IN YOUR AGREEMENT OF THIS ORDER ARE HEREBY REJECTED.

BUYER: J. J. CHRISTIAN

June 30, 1987



Mr. Warren L. Smull
General Superintendent - Environmental Affairs
Monsanto Chemical Company
500 Monsanto Avenue
Sauget, Illinois 62206-1198

Dear Warren:

We are in receipt of your letter of June 8, 1987, with respect to the fence erected by Monsanto at the direction of the U. S. EPA, which encloses an area of approximately five acres designated by the EPA as "Dead Creek Area G" in Sauget, Illinois. Your total construction costs with respect to the erection of this fence was \$11,838.00. You have asked me to participate in the cost of erection of this fence by the forwarding to you my check, payable to Monsanto, in the amount of \$3,946.00.

Enclosed please find check, payable to the Monsanto Chemical Company, in the amount of \$3,946.00. This check represents, as I understand from your letter, payment for 1/3 of the total construction cost of the fence.

This payment is being made to Monsanto solely with the understanding that it is made in a spirit of cooperation and mutual best interest in response to the U. S. EPA's communications to me, Monsanto and others, and in no way represents or shall constitute an admission by me of any liability for the conditions at "Dead Creek Area G". In addition, the payment is not and shall not constitute an admission by me on behalf of myself or others, of any responsibility or proportionate share of responsibility for the alleged conditions at "Dead Creek Area G". Since I have never been involved in any business or other activity with respect to substances alleged to be present at the site, I do not believe I have any responsibility for the condition alleged to be present at "Dead Creek Area G" and doubt whether a per capita share of costs is proper or appropriate with respect to any potential remedial action required at the site or the cost thereof. Your receipt of my check is Monsanto's agreement that the payment is subject to the conditions and terms stated above.

Monsanto's cooperation with me, Cerro, the EPA and others, is appreciated and we look forward to cooperating with you and Cerro on a continuing basis with respect to resolving this matter.

Sincerely,


Harold Wiese

HW:nv

cc: Jack Molloy, Monsanto Chemical Company, Sauget, Illinois
~~cc: Paul Tandler~~, Cerro Copper Products Company, Sauget, Illinois

S358

SIGN IN

NAME

FIRM / REPRESENTING / PHONE

Jeff Larson

USEPA 2200 Churchill

SAFLO. IL 62204

317
782-3355

Dick Kissel

MCC+S for Cerro Copper

312
368 9700

David Favero

U.S. EPA / CES 312-886-4749

Chip Landman

USEPA / ORC 312-886-5323

Tom Mintz

USEPA / ORC 312-886-6600

WALTER WITTENBERG

GHWGC / H.W. Wiece 314-241-9090

SA Silverstein

Cerro Copper (618) 337-6000

Will send consent agreement & info. Regs
next week

S. line of fence not definite - think along
cultivated field, about 500 ft S. of Quarry

ICPA has sample results found - 14% PCB
in Ground PCB not 7.4%
also Dioxin 130 ng/kg

- supposed surface contamination
- suspect some deeper contamination
- Fence along road line is OK.

Cost - 2000 ft. of fence USEPA cost - \$32000 (\$20/ft)

CRA will send - Admin Order, Action Agreement,
Request for Information -

Clarkson owns prop on Judith Lane
up to Dead Creek

- Bought from ^{son on; helped by} Monarch Petr. (S. Zwick)

Adjacent property owned by Service Oil
Co. - (Moto-Gas) Belleville

Next property owned by Wiese

- Clarkson Hanks Hanks' property is
adjacent to Hwy 3 only - not to creek.
At one time we had agreement with
Service Oil & Wiese to join Saugat Seven.

SIGN IN

NAME

JOE LARSON

DICK KISSEL

DAVID FAVRO

CHIP LANDMAN

TOM MINTZ

WALTER WITTENBERG

SA Silverstein

FRANK / REPRESENTATIVE / PHONE

LEPA 2200 Church

SPRO. 12 62204

MCC+5 for Ann Lynn

U.S. EPA / CES 312-886-4749

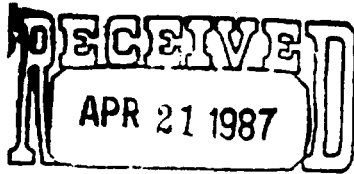
US EPA / ORC 312-886-5323

US EPA / ORC 312-886-6600

GHWC / H.W. 314-241-9090

Cerro Coppe (618) 337-6000

Law Offices
Martin, Craig, Chester & Sonnenschein
55 West Monroe Street
Chicago, Illinois
60603



BY P.T.

April 17, 1987

TELEPHONE 366-9700
AREA CODE 312

Mr. Henry Schweich
President - Cerro Copper Products Co.
P.O. Box 681
East St. Louis, Illinois 62202

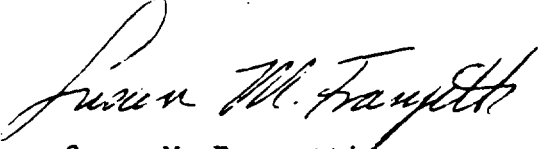
Re: Dead Creek - Area G
Sauget, Illinois

Dear Hank:

Enclosed please find a copy of our letter with acknowledgements of receipt by the U.S.EPA.

Confirming our telephone discussion today, Richard Kissel and Sandi Silverstein will be attending a meeting among representatives of U.S.EPA, Monsanto and Wiesce Engineering on April 23, 1987 at 10:00 a.m. at U.S.EPA's offices in Chicago.

Very truly yours,


Susan M. Franzetti

SMF/kw

encl.

cc: Paul Tandler
Richard Kissel

S384

Thom P. M... 4-17-87
10:50

Law Offices
Martin, Craig, Chester & Sonnenschein
55 West Monroe Street
Chicago, Illinois
60603

April 17, 1987

TELEPHONE 368-9700
AREA CODE 312

BY MESSENGER

Basil G. Constantelos, Director
Waste Management Division
United States Environmental
Protection Agency
230 South Dearborn Street
16th Floor
Chicago, Illinois 60604

Re: Dead Creek - Area G
Sauget, Illinois

RECEIVED
APR 17 1987

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR
cc 11:00 a.m.

Dear Mr. Constantelos:

On behalf of Cerro Copper Products Co. ("Cerro Copper"), I am hereby submitting our timely response to the United States Environmental Protection Agency's ("U.S.EPA") April 14, 1987 telephonic notice and written confirmation of that notice, which we received on April 16, 1987, concerning the property known as Dead Creek - Area G located in Sauget, Illinois. In that notice, U.S.EPA states that it intends to expend public funds to take action to abate a release or threatened release of hazardous substances, pollutants, and other contaminants at the Dead Creek - Area G site. Cerro Copper, however, is willing to perform voluntarily the immediate action of constructing a fence, according to mutually agreed upon specifications, around that portion of the site property owned by Cerro Copper. Alternatively, Cerro Copper is willing to participate in funding the construction of such a fence around the Area G site in a fair and equitable manner. Therefore, Cerro Copper requests a meeting with U.S.EPA's representatives as soon as possible to discuss our proposal so that an expeditious and effective resolution of this matter can be obtained.

As you probably know, Cerro Copper has been cooperating fully with the Illinois Environmental Protection Agency ("IEPA") in connection with the Dead Creek study. Cerro Copper obviously is willing to extend that same level of cooperation to U.S.EPA, as confirmed by the substance of this response, because of our concern for the safety and health of our workers and our community. Cerro Copper's offer to take the above-described action stems from these concerns.

S385

Martin, Craig, Chester & Sonnenschein

Basil G. Constantelos, Director

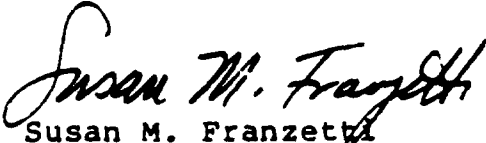
April 17, 1987

Page 2

Cerro Copper does not agree with U.S.EPA's determination that it may be a potentially responsible party for the Dead Creek - Area G site. We submit that pursuant to Section 107(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. §9601 et seq., Cerro Copper is an innocent landowner who did not dispose of, cause to be disposed of, or have knowledge of the disposal of any hazardous substances on that portion of its property included in Dead Creek- Area G. The undeveloped property in question is separated from and has never been a part of the property on which Cerro Copper conducts any operations. Therefore, by the instant offer to take the aforesaid action, Cerro Copper does not waive any of its rights or defenses under CERCLA.

Please contact me at your earliest convenience to schedule a meeting between Cerro Copper's and U.S.EPA's representatives.

Very truly yours,


Susan M. Franzetti
Counsel for Cerro Copper
Products Co.

SMF/kw

cc: Thomas Mintz



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

APPLY TO THE ATTENTION OF:

APR 16 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cerro Copper Products
c/o Susan M. Franzetti
Martin, Craig, Chester and
Sonnenschein
Chicago, Illinois 60603

Re: Dead Creek-Area G
Sauget, Illinois

Dear Sir or Madam:

On April 14, 1987, the following statement was read to you or your agent over the telephone:

The U.S. Environmental Protection Agency (U.S. EPA) intends to expend public funds to take action to abate a release or threatened release of hazardous substances, pollutants, and other contaminants at the Dead Creek-Area G site in Sauget, Illinois. This action is authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. §9601 et seq. Under CERCLA, and other laws, responsible parties may be liable for money expended by the government to take necessary corrective action at the site, including investigation, planning, cleanup, and enforcement. Potentially responsible parties include the current owner or operator of the site, the past owner and operator, and persons who generate or were involved in transport, treatment, or disposal of hazardous substances at the site.

Contaminants including polychlorinated biphenyls (PCBs), pentachlorophenol (PCP), and octachlorodibenzo-dioxin have been found on the site. Before the government undertakes the necessary response action at the site, potentially responsible parties are being offered the opportunity to perform voluntarily the required

-2-

work to abate endangerment from any releases or threat of release of hazardous substances, pollutants, or contaminants from the site. If private party cleanup is not forthcoming and public funds are expended, potentially responsible parties may be liable for the costs incurred by the government.

The U.S. EPA plans to initiate an immediate removal action as the first step toward mitigation of the release or threat of release of hazardous substances at the site. This immediate removal action will include the construction of a fence, according to the following specifications, around the site:

- 1) The fence must be of adequate length to enclose the entire site. The site is bordered by Queeny Avenue on the north, Dead Creek on the east, Wiese Engineering on the west, and a ditched area on the south. Although the site's eastern border is already fenced, this fence might require additional construction or repair in order to meet some of the specifications listed below. In regard to the site's southern border, the fence must be erected at least forty (40) feet outside the ditch that runs east-west.
- 2) The fence must be at least six (6) feet high, nine (9) gauge, and chain-linked. Poles should be included on the top of the chain-link.
- 3) Three (3) strand barbed wire should run along the top of the fence.
- 4) A twenty (20) foot truck gate and several walk-through gates, with adequate locks, must also be provided.

These actions are designed to protect the public health from a release or threat of release of hazardous substances, pollutants, or contaminants. Under Section 107 of CERCLA, potentially

-3-

responsible parties may be held responsible for all or part of the costs incurred by the U.S. EPA in undertaking this work and other necessary response or remedial work. Potentially responsible parties have the option, should they decide to exercise it, of initiating these activities if this can be accomplished in a timely and appropriate manner. Due to the nature of this endangerment, immediate action will be required. Potentially responsible parties must notify the U.S. EPA no later than April 17, 1987 at 11:00 a.m. Central Daylight Savings Time if they intend to undertake the work planned by the U.S. EPA. If potentially responsible parties fail to notify the U.S. EPA by the above deadline, the U.S. EPA will begin taking the necessary action at the site in lieu of private party action. Please contact either Thomas Mintz, U.S. EPA, Office of Regional Counsel, 230 South Dearborn Street, Chicago, Illinois 60604, phone (312) 886-6600; or Sherry Kamke, U.S. EPA, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, phone (312) 353-3202 to provide notice or if you have any questions.

This letter confirms the above oral notice and reiterates the responsibilities and rights of Cerro Copper Products Co. under CERCLA. Pursuant to Section 104 of CERCLA, U.S. EPA is authorized to undertake response actions deemed necessary to protect public health or welfare or the environment. U.S. EPA is also authorized to allow potentially responsible parties an opportunity to participate in such response actions.

The U.S. EPA is currently undertaking an emergency response action at the Dead Creek-Area G site in Sauget, Illinois. The U.S. EPA has determined that Cerro Copper Products Co. may be a potentially responsible party for the release or threat of release of hazardous substances, pollutants, or contaminants from the site.

As a potentially responsible party, Cerro Copper Products Co. may be liable for the emergency response costs incurred by the government in taking corrective action at the site. The U.S. EPA will continue to afford Cerro Copper Products Co. an opportunity to participate in future response actions being conducted by the U.S. EPA.

FROM MARTIN & CRAIG

4.16.1987 11:54 P. 5

-4-

A map of the Dead Creek-Area G site has also be included for your convenience. If you have any questions concerning this matter please contact:

Thomas Mintz
Office of Regional Counsel
United States Environmental
Protection Agency (5CS-16)
230 South Dearborn Street
Chicago, Illinois 60604
Phone (312) 886-6600

or

Sherry Kamke
Waste Management Division
United States Environmental
Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604
Phone (312) 353-3202

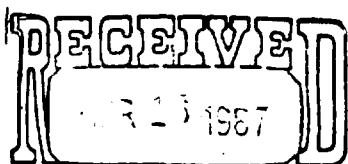
Very truly yours,

Man a. Har

Basil G. Constantelos, Director
Waste Management Division

Enclosure

S390



BY P.T.

Law Offices
Martin, Craig, Chester & Sonnenachse
55 West Monroe Street
Chicago, Illinois
60603

TELEPHONE 368-9700
AREA CODE 312

CHARLES C. CHESTER
W. B. MARTIN CROSS
RICHARD J. NISSEL
JOSEPH D. WRIGHT, JR.
CHARLES L. NICHOLS, JR.
THOMAS S. GASSIOT
DAVID C. FALLS
LARRY M. ZANSEN
RICHARD J. LANG
RONALD M. HOFFMAN
JOANNE M. SAUNDERS
ROBERT D. SANCHEZ
THOMAS M. SONENACHSE
JEFFREY E. PERRY
ROY W. HANSEN
ROBERT W. GARNETT, JR.
LEIS J. GREENMAN
KATHLEEN M. KEATING
NICHOLAS J. NEUBAU
SUSAN M. FRANZETTI
WILLIAM S. POWELL III
DANIEL P. O'CONNELL
BRADLEY R. O'BRIEN
JAMES J. DEWAROL

FACSIMILE TRANSMITTAL LETTER

DATE: 4-16-87

TO: Paul Tandler & S. Silverman

FAX #: 618/332-0108

FROM: SUSAN M. FRANZETTI

SYNTHETIC CRAFT (1010-107)
HUGH SCHWENK (1010-107)
WILLIAM (1010-107)

CHARLES M. MARTIN
CHARLES L. NICHOLS
KEITH J. PERRY, JR.
OF CHICAGO

FAX#372-3090

TOTAL NUMBER OF PAGES: 6 INCLUDING THIS PAGE.

SENT BY: Kate / SUSAN M. FRANZETTI

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL SENIOR AS
SOON AS POSSIBLE AT (312) 368-9700.

SPECIAL INSTRUCTIONS:

page 3.

Right of Way line of Midwest Avenue; thence Southwesterly and Westerly along the Northwesterly and Northerly Right of Way line of Midwest Avenue, to its intersection with the Easterly Right of Way line of said State Bond Issue Route No. 3; thence Northerly along the Easterly Right of Way line of said State Bond Issue Route No. 3 to the point of beginning.

PARCEL 3.

A triangular tract situated in Lot 210 of the "SUBDIVISION OF PART OF COMMONS OF CAHOKIA OF SURVEY NO. 759"; reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Plats A on page 60, said tract being more particularly described as follows:

That part of said Lot 210 that lies South and Southeasterly of the Southerly Right of Way line of Midwest Avenue as established by Ordinance No. 182 of the Village of Monsanto, Illinois, approved June 22, 1948 and recorded July 1, 1948 in Corporation Record 35 on page 450, reference thereto being had; and reference also being had to the conveyance made July 26, 1948 by Lewin-Mathes Company to the Village of Monsanto conveying the 66 foot wide strip across said Lot 210 as Right of Way for said Midwest Avenue; bounded on the South by the Southerly line of said Lot 210 and bounded on the East by the Easterly line of said Lot 210.

All of the foregoing being situated in St. Clair County, Illinois.

CERRO COPPER PRODUCTS CO.

J. Grama
M. Rodburg
R. Avendt
File

INTERNAL MEMORANDUM

HQ-10 SHOW NAME, TITLE AND UNIT OF ADDRESSEE AND ADDRESSOR

TO: H. L. Schweich

DATE: September 18, 1989

FROM: Paul Tandler

SUBJECT: SITE G - U.S.EPA CONTACT WITH MONSANTO

Warren Smull of Monsanto Chemical Co. contacted me with the following information:

Max McCombs, Smull's successor as Environmental Manager at the Krummrich Plant, received a phone call from Tom Mintz, Attorney with Region 5, who was involved in the 1987 Emergency Response Action that resulted in the construction of a fence around Site G.

Mintz indicated that his office would like to close out its file on the 1987 Emergency Response Action and would like to be reimbursed for its oversight activities, amounting to some \$50-60,000, subject to negotiation. (The cost of the fence, shared by Monsanto, Cerro and Wiese was under \$12,000, by the way.) McCombs referred the matter to Smull resulting in the call to this writer.

Smull suggested that he would like to discuss his planned response with Cerro's and Wiese's representatives and requested a meeting. This was arranged following conversation with Mike Rodburg, and Warren Smull met with the writer and Walter Wittenberg, attorney for Wiese, on Friday, September 15, 1989.

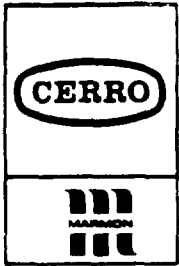
The 1987 activities were reviewed. While Wittenberg, Sandy Silverstein, and Dick Kissel met with agency personnel, including Tom Mintz, on April 24, 1987, Monsanto contacted the EPA on the same date and indicated that they would arrange for the construction of the fence and anticipate that Cerro and Wiese would share in the cost. All of the parties indicated at that time that the action taken was a good faith effort by all in response to the U.S.EPA Emergency Response Action (April 16, 1987), and that it did not represent an admission of liability.

(A subsequent U.S.EPA request for information concerning Site G was received by Cerro on May 26, 1987, and a timely response was sent with the assistance of Mike Rodburg.)

Messrs. Smull, Wittenberg and the writer concluded that Smull should contact Mr. Mintz, express surprise and dismay over the request, given the strictly voluntary nature of the 1987 action, and question the amount of oversight costs incurred, asking for details. Mike Rodburg was contacted and concurred in the proposed handling of the matter.

We will be advised on the results of Warren Smull's contact with Mr. Mintz.

PT/ge



CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

July 29, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Susan Swales
Cercia Enforcement 5 HE-12
U.S. EPA
230 South Dearborn Street
Chicago, IL 60604

RE: Dead Creek - Area G, Sauget Site

Dear Ms. Swales:

We are in receipt of the July 23, 1987 letter signed by William H. Miner, advising that U.S.EPA has not received any information from this company in response to your request for information dated May 19, 1987.

A detailed response to that request for information was sent to you on June 24, 1987 via Certified Express Mail. Attached is a copy of the signed receipt for same.

Very truly yours,

CERRO COPPER PRODUCTS CO.
A member of The Marmon Group
of companies

A handwritten signature in cursive script, appearing to read "S. A. Silverstein".

S. A. Silverstein
Manager of Energy and
Environmental Affairs

SAS/ge

Enclosure

cc: M. Rodburg
P. Tandler



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

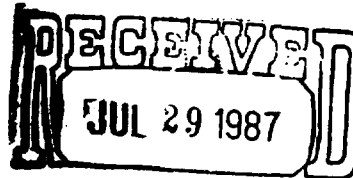
230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
5HE-12

JUL 23 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



Cerro Copper Products
PO Box 681
East St. Louis, IL 62202
Attn: Mr. P. Tandler

BY P. T.

Re: Dead Creek-Area G, Sauget Superfund Site

Dear Sir:

In a request for information dated May 19, 1987 the U.S. Environmental Protection Agency (U.S. EPA) requested that you furnish information and copies of records describing your company's involvement with the release of hazardous substances, pollutants and contaminants. You acknowledged receipt of this certified mail, a copy of the information request and return receipt are enclosed. You were advised that this information was being requested pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA). Responses to these information requests were due to U.S. EPA within 30 days of your receipt of the request.

The U.S. EPA has not yet received any information from your company in response to this information request, despite the fact that the applicable deadline has passed. We hereby request that you promptly respond to this information request. It is U.S. EPA's position that failure to comply with the information request within the specified time period is a violation of federal law which may result in administrative or civil enforcement action.

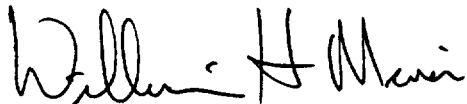
The U.S. EPA is currently evaluating which of its enforcement options might be most appropriately taken in response to noncompliance with its information request relative to the Dead Creek Area G, Sauget, Illinois and will decide on a course of action shortly. In order to mitigate the extent of any enforcement actions that may be forthcoming in this matter, your company is hereby encouraged to comply in full with the information request within ten (10) calendar days from the receipt of this letter.

Your response should be sent to:

Susan Swales
CERCLA Enforcement 5HE-12
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

If you have any questions on this matter, please contact Ms. Susan Swales at (312) 886-7336, or Mr. David Favero at (312) 886-4749.

Sincerely,



William H. Miner, Chief
Hazardous Waste Enforcement Branch

Enclosures

cc: Lowenstein, Sandler, Kohl, Fisher &
Boylan
65 Livingston Avenue
Roseland, N.J. 07068
Attn: Mr. Michael L. Rodburg



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF

5HE-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Dead Creek-Area G
Sauget Site
Sauget, Illinois

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous pollutants and contaminants at the above referenced site, and is planning to spend public funds to investigate and control the release or threatened release at this site. Unless the U.S. EPA determines that a potentially responsible party will properly and promptly perform such action, the U.S. EPA will itself perform such action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601, et seq., (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986)(SARA).

The U.S. EPA has information that you may be a potentially responsible party. According to Section 107 of CERCLA, potentially responsible parties who may be liable include the current and former owners or operators of the site, and persons who generated the hazardous substance or were involved in the transport, treatment, or disposal of them at the site. Therefore, pursuant to Section 122(e) of SARA, the purpose of this letter is to notify you of your potential liability with respect to this site.

Under Section 107(a) of CERCLA, potentially responsible parties may be liable for costs incurred by the government, through the use of public funds, in responding to any release or threatened release from the site. Such costs can include, but are not limited to, expenditures for planning, investigation, studies, clean-up, and enforcement.

The U.S. EPA is seeking to obtain certain information from you pursuant to its authority under Section 104 of CERCLA, 42 U.S.C. §9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6927, for the purpose of enforcing CERCLA and RCRA and for the purposes of assisting in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require

S307

any person who generates, stores, treats, transports, disposes, arranges for the disposal of, or otherwise handles hazardous wastes and hazardous substances, as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. 6903(5) and Section 101(14) of CERCLA, 42 U.S.C. 9601(14), to furnish the U.S. EPA with information related to such activities. Pursuant to these statutory provisions, you are hereby requested to submit the information requested below.

1. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. In addition, identify the following:
 - a. The persons with whom you or such other persons made such arrangements;
 - b. Every date on which such arrangements took place;
 - c. For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
 - d. The owner of the waste materials or hazardous substances so accepted or transported;
 - e. The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
 - f. All tests, analyses, and analytical results concerning the waste materials;
 - g. The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
 - h. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
 - i. Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
 - j. Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
 - k. What was actually done to the waste materials or hazardous substances once they were brought to the Site;
 - l. The final disposition of each of the waste materials or hazardous substances involved in such transactions;

- m. The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;
 - n. The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
 - o. The price paid for (i) transport or (ii) disposal or (iii) both, for each waste material and hazardous substances;
 - p. All documents containing information responsive to a.-p. above, or in lieu of identification of all relevant documents, provide copies of all such documents;
 - q. All persons with knowledge, information, or documents responsive to a.-p., above.
2. State the dates during which you owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement (e.g. deeds, leases, etc.). Also provide the following:
- a. Copies of any and all documents regarding the use and ownership of Dead Creek-Area G, Sauget Site including, but not limited to, deeds, contracts, leases, substances, purchase agreements, and correspondence.
 - b. A description of any arrangement made for the use of the site including, but not limited to, deeds, contracts, leases, substances, and purchase agreements. This description shall include the following:
 - a. Names of parties
 - b. Duration of parties
 - c. A general description of the terms of arrangement.
3. Provide information about the Site, including but not limited to the following:
- a. Property boundaries, including a written legal description;
 - b. Location of underground utilities (telephone, electrical sewer, water main, etc.)
 - c. Surface structures (e.g., buildings, tanks, etc.);
 - d. Ground water wells, including drilling logs;

- e. Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s) and other underground structures; and where, when and how such systems are emptied.
 - f. Any and all additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the site; and
 - g. All maps and drawings of the Site in your possession.
- 4. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.
 - 5. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well documents containing analysis or interpretation of such data.
 - 6. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrogeology or air quality on or about the Site? If so, identify:
 - a. What the nature and scope of these investigations will be;
 - b. The contractors or other persons that will undertake these investigations;
 - c. The purpose of the investigations;
 - d. The dates when such investigations will take place and be completed; and
 - e. Where on the Site such investigations will take place.
 - 7. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances or chemicals by you, your contractors, or by prior owners and/or operators.
 - 8. Did you ever use, purchase, generate, store, treat, dispose, transport or otherwise handle any hazardous substances or materials? If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
 - b. Who supplied you with such hazardous substances;
 - c. How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;

- d. When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - e. Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
 - f. The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
9. Did you ever use, purchase, generate, treat, dispose, transport or otherwise handle waste materials or substances such as polychlorinated biphenyls (PCBs), pentachlorophenol (PCP), polynuclear aromatic hydrocarbons (PAHs), chlorobenzenes, xylenes, 4-4 DDE, chlorinated solvents and ketones? If the answer to the preceding question is anything but an unqualified "no," identify:
- a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of the waste material, or substances;
 - b. Who supplied you with the waste materials or substances;
 - c. How these waste materials or substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - d. Where these waste materials or substances and petroleum products were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - e. When these waste materials or substances and petroleum products were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - f. The quantity of these waste materials or substances and petroleum products that were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
10. Were hazardous materials thrown, spilled, poured, leaked or in any way released into or onto the top soil, ground or floor on the Site? If the answer to the preceding question is anything besides an unqualified "no," identify:
- a. When such releases occurred;
 - b. How the release occurred;
 - c. What amount of waste materials or substances and petroleum products was so released;
 - d. Where such releases occurred;
 - e. Any and all activities undertaken in response to each such release or threatened release, and all agencies notified of such release or threatened release.

- f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing that was undertaken.
 - g. All persons with information relating to these releases.
11. Has soil ever been excavated or removed from the Site?
Unless the answer to the preceding question is anything besides an unequivocal "no," identify:
- a. Amount of soil excavated;
 - b. Location of excavation;
 - c. Manner and place of disposal and/or storage of excavated soil;
 - d. Dates of soil excavation;
 - e. Identity of persons who excavated or removed the soil;
 - f. Reason for soil excavation;
 - g. Whether the excavation or removed soil contained hazardous materials and why the soil contained such materials;
 - h. All analyses or tests and results of analyses of the soil that was removed from the site.
 - i. All persons, including contractors, with information about question 11, (a) through (h) of this Information Request.

Your response to this information request should be sent to:

Ms. Susan Swales 5HE-12
U.S. EPA - Region V
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

The information sought pursuant to this request pertains to any and all information in your possession, custody or control relating to the operation of the above referenced site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the Dead Creek-Area G Sauget Site.

The purpose of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, manifests, shipping orders, packing slips, bills of lading, invoices, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste

materials to, through, or from, the above referenced site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification materials of any kind.

The information sought herein must be sent to U.S. EPA within thirty (30) calendar days of your receipt of this letter. Under Section 3008 of RCRA, 42 U.S.C. §6928, failure to comply with this request may result in an order requiring compliance or in a civil action for appropriate relief. These provisions also provide for civil penalties. Failure to comply with this request may also result in a civil enforcement action being brought against you by U.S. EPA under Section 104 of CERCLA, 42 U.S.C. §9604.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

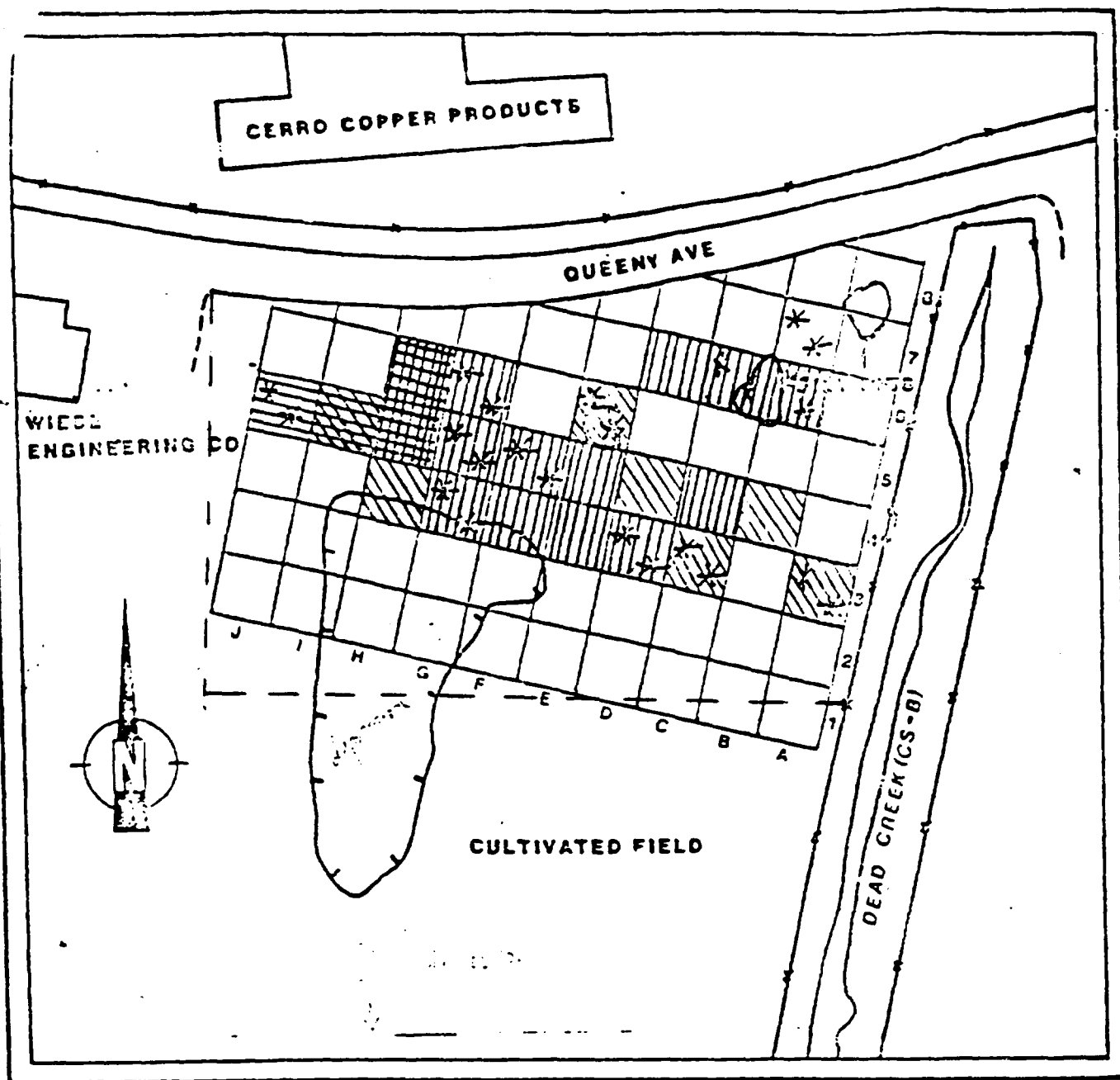
The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find at any time after the submittal of the requested information, that any portion of the submitted information is false or incomplete, the signatory should so notify the U.S. EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001.

If you need further information regarding this letter, you may contact Ms. Susan Swales at (312) 886-7336, or Mr. David Favero at (312) 886-4749. If you have any legal questions, contact Mr. Thomas Mintz at (312) 886-6600.

Due to the nature of the problem at this site and the attendant legal ramifications, the U.S. EPA strongly encourages you to submit a written response to the information request within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,


Basil G. Constantelos, Director
Waste Management Division



Souget Area 1 Site

Cerro Copper Products Co.

9/26/94 104(c) partial response (documents to request)

Attachment 1: documents relating to Area C.

A. Cerro to Carmichael at 6/1/90 (not involved in Q)

(Demand letter)

(List of PRP attorney) (not)

(mtg notice)

(RSVP)

(mtg notice)

(mtg notice)

(List of documents sent)

(transmission of Re: 13 EPA 104)

(13 EPA 104 to Cerro)

(R/L's work plan)

(meeting notice - open in shut)

(draft consent order)

B

Cerro internal memo

6/10/94

(phone record)

(contaminated flood water)

(flood water sampling)

(sampling methods)

(sampling)

(will be sampling)

(Rothberg letter to Morgan)

(acacia eggplant)

R/L's estimate

9

Morgan letter to Cerro 7/3/90

8

Morgan to Cerro

7/9/90

7

Cerro to Morgan at 7/27/90

7/27/90

6

13 EPA 104

12/8-1/12

5

Neuro article

12/10/92

4

Neuro article (Cerro Year)

?

3

Cerro internal memo

10/8/93

2

Neuro article

10/1/93

1

Cerro internal memo

6/10/94

10

13 EPA 104 to Cerro

8/7/89

9

Cerro internal memo

11/15/89

8

13 EPA 104 to Cerro 11/20/89

7

13 EPA 104 to Cerro

10/5/89

6

Cerro internal memo

10/6/89

5

Cerro to 13 EPA

10/30/89

4

Cerro internal memo

11/9/89

3

Cerro to Cerro

10/16/89

2

13 EPA 104 to Cerro

10/16/89

1

Cerro to Cerro

10/16/89

10

Cerro to 13 EPA

10/30/89

9

Cerro internal memo

11/9/89

8

Cerro to Cerro

10/16/89

7

13 EPA 104 to Cerro

10/16/89

6

13 EPA 104 to Cerro

10/16/89

5

Cerro to Cerro

10/16/89

4

Cerro to Cerro

10/16/89

3

Cerro to Cerro

10/16/89

2

Cerro to Cerro

10/16/89

1

Cerro to Cerro

10/16/89

- | | | | |
|-----|----------------------------|----------|--|
| 12. | IEPA to Cerro | 5/4/90 | (only confirmation = addressed) |
| 13. | mtg notes | 5/31/90 | (with sign in & phone #) |
| 14. | Louwenstein et al to IEPA | 11/30/89 | (list of PRPs) |
| 15. | Cerro internal memo | 3/27/89 | (attached IEPA to E&E
3/20/89 Re HRS) |
| 16. | Soil Analysis | 10/3/90 | |
| 17. | Louwenstein et al to IL AG | 12/15/89 | (PRP negotiations) |
| 18. | monitoring & maps | — | |

- | | | | | |
|---|----|------------------------|---------|----------------------------------|
| C | 1. | Arvandt Group to Cerro | 6/20/90 | (installation of sampling equip) |
| | 2. | Cerro to Arvandt Group | 6/6/90 | (request for installation) |
| | 3. | Title Documents | | |

- | | | | | |
|----|----|--|-----------------------|------------------------------|
| D. | 1. | News Article ^{Sampling} & ^{Announcement} | 12/8-9/92
12/10/92 | (Drilling for Samples) |
| | 2. | " " | 7/30/92 | (Companies on Clean up list) |
| | 3. | Cerro to Gardner et al | 7/27/90 | (cover letter to B7) |
| | 4. | Cerro internal Memo
covering Arvandt letter | 7/23/90
7/19/90 | (installation of well set) |
| | 5. | Louwenstein et al to IL AG | 7/10/90 | (PRPs) |
| | 6. | Marmon inter office Memo | 7/3/90 | (estimate for R/FS) |

- | | | | | |
|----|----|---------------------------|---------|-------------------------|
| E. | 1. | Conference Call Re Area I | 6/20/90 | (notes) |
| | 2. | Area I PRP Mtg. | 6/12/90 | (notes & addresses) |
| | 3. | Area I PRP & IEPA Mtg | 5/31/90 | (notes) |
| | 4. | IEPA to Cerro | 5/4/90 | (5/31 mtg announcement) |
| | 5. | Cerro internal memo | 2/27/90 | (call record) |
| | 6. | IEPA to Cerro | 2/22/90 | (mtg announcement) |
| | 7. | " " " | " " " | (same as E 6) |
| | 8. | Cerro internal memo | 2/27/90 | (same as E 5) |

F.	1. Cerro to U.S. EPA	1/7/91	(Payment of Response Costs)
	2. Lowenstein et al to Cerro	12/27/90	(AOC signed 9/27/90)
	3. " " " "	12/12/90	(11/14/90 Fed Reg.)
	4. Cerro to Lowenstein et al	8/13/90	(AOC signature page)
	5. Lowenstein et al to Cerro	6/29/90	(Redlined version of AOC)
	6. USEPA to Monsanto	5/21/90	(Cost Recovery AOC Draft)
	7. Monsanto to Lowenstein et al.	3/15/90	(USEPA Demand letter - SP4)
	8. USEPA to Cerro	12/27/89	(Demand letter - Cost Summary)
	9. Handwritten note	9/11	(USEPA wants \$)
	10. Wiese to Monsanto	6/30/87	(payment for 1/3 of fence)
	11. Cerro to USEPA Re: Cms G	6/24/87	(104(e) response)
	12. U.S. EPA to Monsanto	6/87	(voluntary fence bldg.)
	13. Cerro to Monsanto	6/15/87	(payment for 1/3 of fence)
	attached Monsanto to Wiese * Cerro 6/8/87		(requesting payment)
	14. USEPA to Cerro	5/19/87	(104(e))
	15. Cerro internal memo	5/14/87	(fence done)
	16. Martin et al to Cerro	5/4/87	(site needs a fence)
	17. Cerro internal memo	4/27/87	(mtg. summary)
	18. Martin et al to USEPA, WMP	4/17/87	(Cerro claims innocent land owner status)
	19. USEPA to Cerro	4/16/87	(Notice of emerg. resp.)
	20. ^{Martin et al} USEPA to Cerro	4/15/87	(maps of site)

G	1. Cerro internal memo	9/19/89	(EPA wants oversight ^{coa})
	2. Cerro to USEPA	7/29/87	(sent NH on 6/24/87)
	3. USEPA to Cerro	7/23/87	(104(e) follow-up)
	4. map		
	5. Cerro to USEPA	6/24/87	(104(e) & exhibits)
	6. F 10		

7. F13 without attachments
8. F14 with annotations
9. F14 without annotations
10. Sign in sheet
12. Handwritten notes
13. F17
14. G10
15. F18
16. F19
17. Description of Cerro's land in site G.

H. Analytic Reports from E & E.

Attachment 2: documents collected by Cerro relative to other PRPs

- | | | | |
|----|------------------------------------|----------|---|
| A. | Lowenstein et al to IEPA | 11/30/89 | (List of PRPs) |
| 2 | Lowenstein et al to IEPA | 3/28/90 | (PRPs based on ownership) |
| 3 | Village of Sauget to Cerro | 5/21/73 | (Waste Treatment cost distri) |
| 4 | Village of Sauget to Board of Dir. | 1/18/73 | (Waste treatment ¹⁹⁷² costs) |
-
- | | | | |
|----|---|----------------|--|
| B. | 1. Map | | |
| 2 | Agreement Alton & Sang Railroad
with Village of Monsanto | filed 10/19/39 | drainage pipe to Dec. Creek
(attached 8/20/24 agreement) |
| 3 | Village of Sauget to Cerro | 5/21/90 | (easement adjustment) |
| 4 | Ordinance 476 | 5/12/81 | (floods) |
| 5 | Agreement between Alton RR & Village | 4/27/66 | (sewer) |
| 6 | Sewer easement | 11/16/48 | |
| 7 | Agreement between Alton RR & Village | 8/26/24 | (drainage pipe ^{to Dec.}) |
| 8 | Baker to Sauget Village Clerk | 9/2/88 | (Village owned easement) |
| 9 | Ordinance between Monsanto & Village | 4/7/39 | (easement for sewer) |

- | | | |
|-----------------------------------|----------|--------------------------------|
| 10. Monsanto to Baker | 7/21/89 | (attached easements & map) |
| 11. Chart of Tax Parcels | | |
| 12. Cerro internal memo | 5/29/90 | (vacating easement to Village) |
| 13. Baker to Monsanto | 10/31/89 | (re easements) |
| 14. Chester Eng. to Cerro | 11/1/89 | (pipe installation) |
| 15. Baker to Village | 11/1/89 | (sewer line) |
| 16. to Mayer Saugst | 11/1/89 | History of Easements |
| 17. Cerro to Baker (Village Attn) | 11/2/89 | (sewer line) |

C. Title Search Dead Creek Area Rec'd 6/11/90 (2 copies)

Attachment 3: Indices either to documents Cerro produced to Monsanto from Cerro files or collected pursuant to 3rd party subpoenas or FOIA Requests.

1. Cerro documents by box (29 boxes) (94 pages)
2. Village of Saugst documents (13 pages)
3. Cerro vs Monsanto Div. of Water Poll. Control documents (93 pages)
4. Cerro vs Monsanto Div. of Land Poll. Control documents (58 pages)
5. Cerro vs Monsanto IL AG documents (15 pages)

10/11/94

104(e) completed response

Request and Answers. (2 copies)

Exhibit A. Report on Investigations of Use of Dead Creek ... 9/94

" B Lab Reports (4/11/91, 12/17/90)

Exhibit C. Correspondence Re: Landfill Closure

- D. Map of Solid Waste Location
- E. Correspondence Re: Characterization Permit
- F. RCRA Compliance
- G. Aerial Photo of Core Fill Area
- H. 1. Wastewater Discharge Permit '94-96 (8/31/94)
- 2. '92-94 (11/2/92)
- I. Map of Core Air Poll. Source & Wastewater Outfalls
- J. Tag Reports (8/11/93, 3/22/91)

Law Offices
Martin, Craig, Chester & Sonnenschein
55 West Monroe Street
Chicago, Illinois
60603

April 17, 1987

TELEPHONE 368-9700
AREA CODE 312

BY MESSENGER

Basil G. Constantelos, Director
Waste Management Division
United States Environmental
Protection Agency
230 South Dearborn Street
16th Floor
Chicago, Illinois 60604

RECEIVED
APR 17 1987

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR

Re: Dead Creek - Area G
Sauget, Illinois

Dear Mr. Constantelos:

On behalf of Cerro Copper Products Co. ("Cerro Copper"), I am hereby submitting our timely response to the United States Environmental Protection Agency's ("U.S.EPA") April 14, 1987 telephonic notice and written confirmation of that notice, which we received on April 16, 1987, concerning the property known as Dead Creek - Area G located in Sauget, Illinois. In that notice, U.S.EPA states that it intends to expend public funds to take action to abate a release or threatened release of hazardous substances, pollutants, and other contaminants at the Dead Creek - Area G site. Cerro Copper, however, is willing to perform voluntarily the immediate action of constructing a fence, according to mutually agreed upon specifications, around that portion of the site property owned by Cerro Copper. Alternatively, Cerro Copper is willing to participate in funding the construction of such a fence around the Area G site in a fair and equitable manner. Therefore, Cerro Copper requests a meeting with U.S.EPA's representatives as soon as possible to discuss our proposal so that an expeditious and effective resolution of this matter can be obtained.

As you probably know, Cerro Copper has been cooperating fully with the Illinois Environmental Protection Agency ("IEPA") in connection with the Dead Creek study. Cerro Copper obviously is willing to extend that same level of cooperation to U.S.EPA, as confirmed by the substance of this response, because of our concern for the safety and health of our workers and our community. Cerro Copper's offer to take the above-described action stems from these concerns.


Martin, Craig, Chester & Sonnenschein

Basil G. Constantelos, Director
April 17, 1987
Page 2

Cerro Copper does not agree with U.S.EPA's determination that it may be a potentially responsible party for the Dead Creek - Area G site. We submit that pursuant to Section 107(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. §9601 et seq., Cerro Copper is an innocent landowner who did not dispose of, cause to be disposed of, or have knowledge of the disposal of any hazardous substances on that portion of its property included in Dead Creek- Area G. The undeveloped property in question is separated from and has never been a part of the property on which Cerro Copper conducts any operations. Therefore, by the instant offer to take the aforesaid action, Cerro Copper does not waive any of its rights or defenses under CERCLA.

Please contact me at your earliest convenience to schedule a meeting between Cerro Copper's and U.S.EPA's representatives.

Very truly yours,


Susan M. Franzetta
Counsel for Cerro Copper
Products Co.

SMF/kw

cc: Thomas Mintz

CERRO COPPER PRODUCTS CO.

A member of The Marmon Group of companies

INTERNAL MEMORANDUM

File#

HQ-10

SHOW NAME, TITLE AND UNIT OF ADDRESSEE AND ADDRESSOR

TO: Paul Tandler

DATE: March 27, 1989

FROM: S. A. Silverstein

SUBJECT: SAUGET SITES - RIFS - HRS

After hearing from Max McComb of Monsanto this morning, several calls were placed as a followup to the information he conveyed. McComb reported that he had received word from the John Mathes organization that IEPA would be coming out tomorrow, March 28, with a hazardous ranking of the Sauget Sites that would presumably place the sites on the Superfund list. This was contrary to our understanding that IEPA would do no scoring of any sites under investigation until U.S.EPA comes out with the new HRL scoring schedule.

A call was placed to Tom Hippe, Senior Environmental Engineer with John Mathes Co., with whom I had had previous contact. Hippe said that he had heard that IEPA was contemplating some action soon, but he had no confirmation or details. About fifteen minutes later Hippe called me back and said that he had traced the report through his organization and determined that it was just an unconfirmed rumor. As recently as last Friday afternoon a Mathes representative had discussed the Sauget Sites with IEPA and were told that they are continuing their evaluation of the data produced by E&E but no immediate action is contemplated.

I also phoned Ray Avendt to find out if he had heard anything about any imminent action. Ray said that he had received a copy of a letter from IEPA to E&E requesting E&E to prepare hazard ranking scores for the Sauget Sites under the original system and the proposed new system. I asked him to fax a copy of that letter, which he did, and which is attached to this memo. Avendt also reported that he had spoken to Jeff Larson at IEPA this morning, returning a call Larson had placed to him last week, and Larson informed him that Monsanto had submitted a 5-year work plan for their riverfront waste dump, Site Q, which plan is not acceptable to IEPA.

In summary it appears that while the report from Max McComb is not accurate, there are indications that some action will be taking place sooner than we had expected. It is disappointing that we did not immediately receive from our consultant information that had been sent to him.

SAS/ae


S111

THE AVENDT GROUP, INC.
ENGINEERS & SCIENTISTS

TELECOPIER COVER SHEET

DATE: 3-27-89

TO: NAME: S.A. Silverstein
COMPANY: Cerro Copper Products Co.
OFFICE PHONE NO.: (618) 337-6000
TELECOPIER PHONE NO.: (618) 332-0108

FROM: NAME: RAY AVENDT
COMPANY: Avendt Group, Inc.
OFFICE PHONE NO.: (301) 261-1177
TELECOPIER PHONE NO.: (301) 626-1007

TOTAL NUMBER OF PAGES: 3 (INCLUDING THIS COVER PAGE).

As per Jeff Larsen 3/27, Monsanto submitted 5 yr. work plan for Site Q on 3/14/89. No additional sampling, further modeling and will consider effects of no action alternative. State A.G. office will deny.

PLEASE CALL AS SOON AS POSSIBLE IF YOU DO NOT RECEIVE ALL PAGES



Illinois Environmental Protection Agency · P.O. Box 19276, Springfield, IL 62794-9276

217/782-6761

Refer to: LPC #1630200005 -- St. Clair County
Sauget/Sauget Sites
Superfund/Fiscal

March 20, 1989

Mr. Dan Sewall, Project Manager
Ecology and Environment
111 W. Jackson Blvd.
Chicago, IL 60604

Dear Dan:

The Illinois Environmental Protection Agency has in the past tasked E & E to generate, under a contractual relationship, an expanded Site Investigation of the Dead Creek Project Sites at Cahokia and Sauget, Illinois. It is the State of Illinois' objective to witness in the near future the remediation of the hazardous waste sites in these two communities.

The mechanisms by which the State can reach this objective are as follows:

- ° Prepare a Hazard Ranking Score (HRS) and submit the scoring package to USEPA in order to nominate the site for the National Priorities List (NPL) and secure either through a volunteer lead or USEPA, CA, funding necessary to generate a Remedial Investigation (RI) and Feasibility Study (FS).

These studies are necessary in order to select ~~a remedial~~ alternative to address the site specific problems.

- ° The Potentially Responsible Parties involved in the project may initiate action and propose the development of the RI/FS under the direction of their own consultant. This initial effort of good faith is addressed in the new National Contingency Plan (NCP) due out March 23, 1989 and is referred to as the "Deferred Listing Policy". The State defers the nomination of the site to the NPL and places a hold on the finished HRS package and formal nomination.

Page 2

At present, a Potentially Responsible Party (PRP) has contacted the State concerning the Area 1 (Sites G, H, I, L, Dead Creek Sections A & B and possibly Site K) sites. The State encourages serious negotiations in regards to a volunteer lead project. We have however experienced numerous delays over time in listing the Sauget and Cahokia sites on the NPL and securing federal support and funding. In order to not delay this process further, the Illinois EPA wishes to task Ecology Environment, as a multi-site consultant, to generate a HRS (Model 1) for the aggregate and separate sites as shown in the Aggregate Site 4 of the Expanded SI (May 1988) prepared by your firm.

We would like to have this scoring package generated as soon as possible in order to prepare our nomination package to the USEPA. It is our understanding from USEPA headquarters in Washington, D.C. that nominations can still be made under HRS I due to the lengthy delay in finalizing HRS II.

In addition, IEPA would like to have a cost estimate for the preparation of the HRS II at Sauget. Please develop a cost breakdown for HRS I application so that your multi-site contract may be amended, so you can proceed with work without delay.

Sincerely,



Tom Larson, Project Manager
Regional Site Management Unit
Regional Project Management Section
Division of Land Pollution Control

Link: 4/37/26-2

cc: Division File
Bill Radlinski
John Steller
Jim Frank
Terry Ayers
Ray Avendt, Avendt Group, Inc. ✓
Nancy Mackiewicz, A.G.

S114

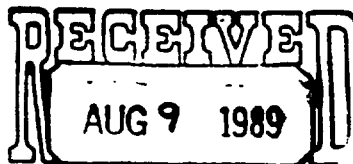


217/782-6762

L1630200005 -- St. Clair County
Sauget Sites - Area I

August 7, 1989

Paul Tandler
Vice President - Manufacturing
Cerro Copper Products Co.
Queeny Avenue
Sauget, Illinois 62206



BY P. T.

Dear Sir or Madam:

The Illinois Environmental Protection Agency (IEPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above-referenced Area. A diagram indicating the property included in Area I is provided as Attachment 1 to this letter. IEPA is planning to spend public funds to investigate and control these releases and has completed HRS documentation for Area I sites. Recommendation will be made to USEPA Headquarters for nomination to the National Priorities List (NPL). The Area I score is above that required for NPL listing and such listing is, therefore, anticipated. Upon listing, action will be taken by USEPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 (SARA), unless both USEPA and IEPA determine that appropriate action will be properly executed by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of hazardous substances at the subject Area.

Based on data generated during the State's investigation of Area I, IEPA has information indicating that you are a potential responsible party (PRP). Before the State of Illinois undertakes necessary action at Area I, IEPA will give you the opportunity to work with other PRPs to voluntarily perform your share of the work required to abate any release or threatened release of hazardous substances, pollutants, and contaminants from this Area. You should be aware that under Section 107(a) of CERCLA, 42 U.S.C. §9607, and Section 22.2(f) of the Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, par. 1022.2(f), where the State uses public funds to conduct removal or remedial action, you may be liable for all costs associated with such action including investigation, planning, enforcement and cleanup costs.

IEPA is planning to conduct the following studies at Area I:

- * 1. A Remedial Investigation (RI) to identify the local hydrogeological characteristics, and define the nature and extent of soil, air, groundwater, and surface water contamination; and



- * 2. A Feasibility Study (FS) to evaluate possible remedial alternatives to remove or contain hazardous substances, pollutants, and contaminants.

In addition to the above studies, corrective measures will be necessary to protect public health, welfare or the environment. These corrective measures will include, but are not necessarily limited to:

1. Implementation of initial remedial measures, e.g., securing unfenced property to prevent contact with any potentially hazardous or toxic materials at Area I and/or removal of contaminated material from the surface;
2. Designing and implementing the IEPA-approved remedy for Area I; and
3. Providing any necessary ongoing monitoring and maintenance.

The State would like to encourage "good faith" negotiations among you, other PRPs, the IEPA and the Illinois Attorney General's Office, leading to the entry of consent decrees for conduct of the RI/FS studies and the corrective measures mentioned above. To facilitate such negotiations, Attachment 2 of this letter is a list of names and addresses of other PRPs who are also receiving this letter. As PRPs, it would be advisable to organize yourselves into a single representative body to begin negotiation with IEPA and the Attorney General's Office for a privately funded RI/FS. The obvious benefit is that PRPs are able to exercise a greater degree of control over remedial design and implementation.

3/22/87
If you wish to be a part of these negotiations, you should notify the undersigned in writing within fourteen (14) calendar days within receipt of this letter. If you do not provide such written notification to the undersigned indicating your willingness to participate with other PRPs, IEPA will assume that you decline participation. Within forty-five (45) days, the State will contact those PRPs who have indicated a willingness to participate to schedule negotiations.

In addition, IEPA is seeking to obtain certain other information from you pursuant to authority granted under Section 104 of CERCLA, 42 U.S.C. §9604; Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6927; and Section 4 of the Environmental Protection Act, 111. Rev. Stat., Ch. 111 1/2, par. 1004. This information is needed to enforce CERCLA, RCRA and the Environmental Protection Act and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA and the Environmental Protection Act. Pursuant to these statutory provisions, you are hereby requested to submit the information describe below.

1. Copies of all shipping documents or other business documents relating to the transportation, storage and/or disposal of waste materials or substances at the above-referenced Area.



Page 3

2. A detailed description of the generic, common and/or trade names and the chemical composition and character (i.e. liquid, solid, sludge) of the material offered by you for transportation to, storage and/or disposal at the above referenced Area.
3. For each waste material or substance identified above please give the total volume (gallons for liquids and sludges and cubic yards for solids) which you transported to, stored or disposed of at the above-referenced Area, and list when transportation storage or disposal occurred. Also, describe as accurately as possible the precise location where said activities took place.
4. A description of arrangements that were made for transportation of your waste materials or substances to the above-referenced Area, including method(s) of transportation used (i.e. tankers, dump trucks, drums).
5. The names of the transporter(s) of your waste materials or substances, including the former and current address of the transporter(s).
6. Copies of all records, including analytical results and material safety data sheets, which indicate the chemical composition and/or chemical character of the waste material(s) transported to, stored or disposed of at the above-referenced Area.
7. A list and description of any and all liability insurance that is and was carried by you, including but not limited to any self-insurance provisions, which relate to waste materials or substances and the above-referenced Area. Include copies of all such insurance policies.
8. Evidence of transactions and/or agreements made between yourself and owners of property within the above-referenced Area during the period of disposal.

The information sought pertains to any and all information in your possession, custody, or control relating to the operation of the above-referenced Area and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the Area. The relevant time period for this request is from 1930 through the present.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, manifests, shipping orders, packing slips, bills of lading, invoices, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of materials to, through, or from, the above-referenced Area. "Waste materials" shall mean any material which is reclaimed or intended to be discarded, including, but



Page 4

not limited to, hazardous substances, solid wastes and hazardous wastes, and other material which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification materials of any kind.

7-7-84
The information sought herein must be sent to IEPA within thirty (30) calendar days of your receipt of this letter. Any person who generates, stores, treats, transports, disposes, arranges for the disposal of, or otherwise handles hazardous wastes and hazardous substances, as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. §6903(5), and Section 101(14) of CERCLA, 42 U.S.C. §9607(14), and fails to furnish IEPA with requested information related to such activities is subject to sanctions. Under Section 3008 of RCRA, 42 U.S.C. §6982, failure to comply with this request may result in an order requiring compliance or in a civil action for appropriate relief. These provisions also provide for civil penalties. Failure to comply with this request under Section 104 CERCLA, 42 U.S.C. §9604, may result in a civil enforcement action being brought against you.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be afforded confidential protection. A request for confidential protection must be made when the information is provided since any information not so identified will not be accorded this protection by the IEPA. Information claimed as confidential will be handled in accordance with the provisions of 35 Ill. Adm. Code, Part 161.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to IEPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify IEPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted.

Your reply to the request for information under Section 104 of CERCLA and Section 3007 of RCRA should be considered separate and distinct from that relating to participation in response activities at Area I. Your reply to IEPA's request for information should be sent to:

William C. Child, Manager
Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276



Page 5

If you need further information or wish to indicate to IEPA your willingness to participate in response activities, please contact Paul Takacs, IEPA Remedial Project Manager at the above number, or Joseph Madonia, Assistant Attorney General, at (217) 782-9030.

Thank you for giving this matter your immediate attention.

Respectfully,

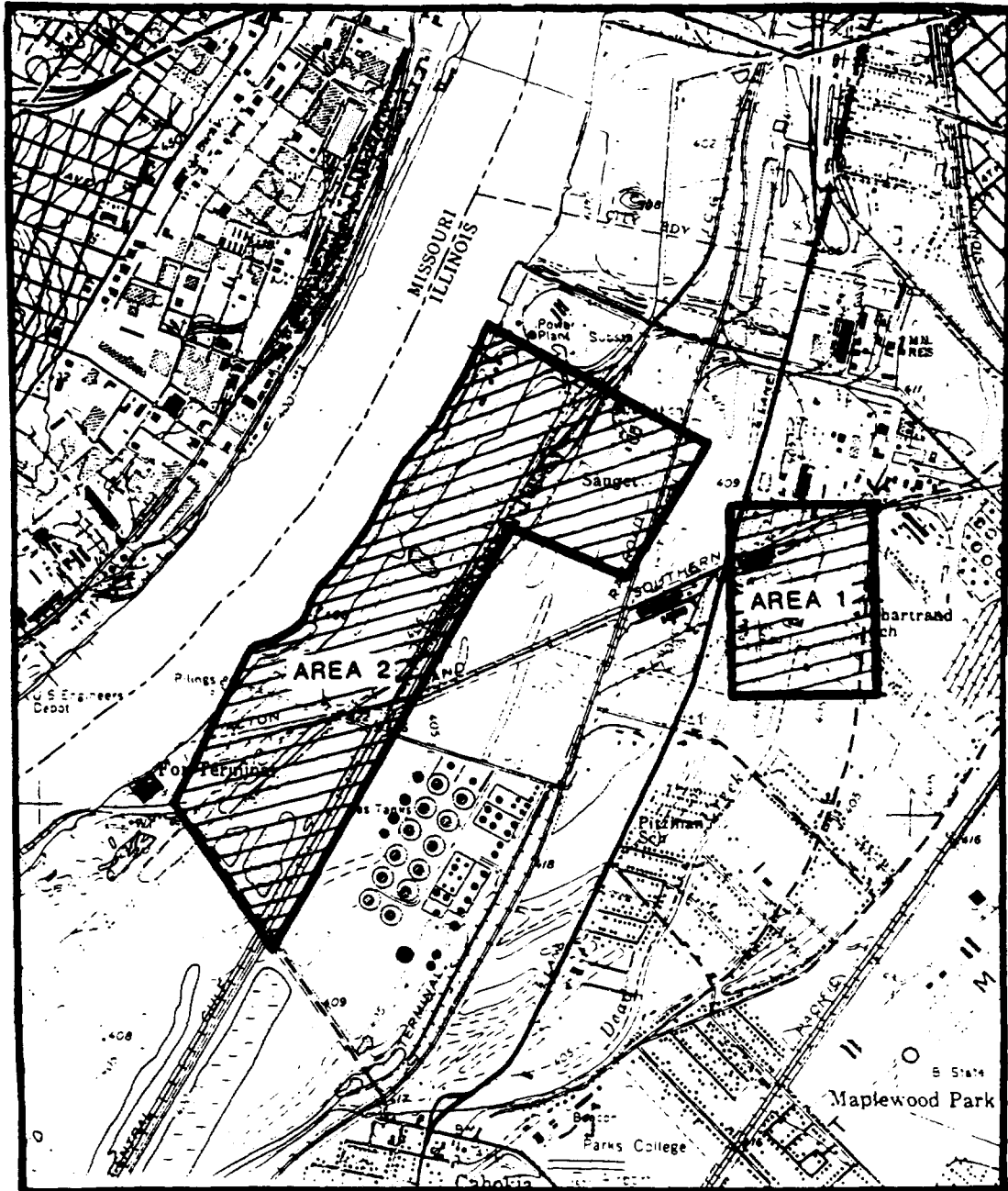
A handwritten signature in cursive script that reads "William C. Child".

William C. Child, Manager
Division of Land Pollution Control

WCC:PT:jab/2589,2591k/1-5

cc: Bharat Mathur - IEPA
Jim Frank - IEPA
Terry Ayers - IEPA
Paul Takacs - IEPA
Bruce Carlson - IEPA
Joe Madonia - IAGO
Nancy Mackiewicz - IAGO

ATTACHMENT 1
Reference Area Map



SOURCE: USGS Cahokia Quad, 1974.

SCALE

0 0.5 1 MILE

ATTACHMENT 2
PRP List - Area I

Cerro Copper Products Co. ✓
Queeny Avenue
Sauget, IL 62206

Midwest Rubber Reclaiming co.
3101 Mississippi Avenue
Sauget, IL 62206

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, MO 63167

Other Addressees

CERRO COPPER PRODUCTS CO.

INTERNAL MEMORANDUM

File

To: P. Tandler

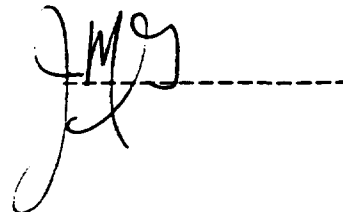
Date: October 5, 1989

From: J. M. Grana

Subject: Request For Documents-Area I & II

Below is a list of documents sent to Anne Conley-Pitchell of Lowenstein, Sandler, Kohl, Fisher & Boylan on 10/4/89 and 10/5/89 concerting the request for information by IEPA for Area I & II.

1. 1974 Agreement for P/Chem Plant between the Industries
2. Biodize 12/22/70 Water Pollution Abatement Program - Village of Sauget Illinois - Flow Measurement Report
3. Biodize 1/4/71 Water Pollution Abatement Program - Village of Sauget Illinois - Report upon the Operations and Physical Condition of the Village of Sauget Primary Treatment Facility.
4. Biodize 4/15/71 Water Pollution Abatement Program - Cerro Copper And Brass Company.
5. Biodize 6/23/71 Water Pollution Abatement Program - Cerro Copper And Brass Company - Flow Measurement Report.
6. Biodize 7/20/71 Water Pollution Abatement Program - Village of Sauget Illinois - Preliminary Laboratory and Inplant Studies.
7. Russell & Axon March 1981 Pretreatment Program for the Village of Sauget, Illinois - Physical/Chemical Wastewater Treatment Facility.
8. P/Chem Plant Billing from 1971 through 1980
9. MSDS Sheets of the refractory bricks and mortars used today.



Other Addressees

CERRO COPPER PRODUCTS CO.

INTERNAL MEMORANDUM

File

To: P. Tandler

Date: October 6, 1989

Revision 1

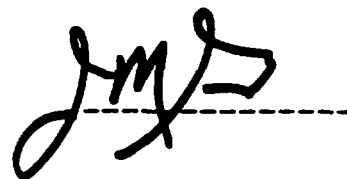
From: J. M. Grana

Subject: Request For Documents-Area I & II

Below is a list of documents sent to Anne Conley-Pitchell of Lowenstein, Sandler, Kohl, Fisher & Boylan on 10/4/89, 10/5/89 and 10/6/89 concerning the request for information by IEPA for Area I & II.

1. 1974 Agreement for P/Chem Plant between the Industries
2. Biodize 12/22/70 Water Pollution Abatement Program - Village of Sauget Illinois - Flow Measurement Report
3. Biodize 1/4/71 Water Pollution Abatement Program - Village of Sauget Illinois - Report upon the Operations and Physical Condition of the Village of Sauget Primary Treatment Facility.
4. Biodize 4/15/71 Water Pollution Abatement Program - Cerro Copper And Brass Company.
5. Biodize 6/23/71 Water Pollution Abatement Program - Cerro Copper And Brass Company - Flow Measurement Report.
6. Biodize 7/20/71 Water Pollution Abatement Program - Village of Sauget Illinois - Preliminary Laboratory and Inplant Studies.
7. Russell & Axon March 1981 Pretreatment Program for the Village of Sauget, Illinois - Physical/Chemical Wastewater Treatment Facility.
8. P/Chem Plant Billing from 1971 through 1980
9. MSDS Sheets of the refractory bricks and mortars used today.
10. Letter from Geo. Sallwasser(Horner & Shifrin) to Joe Goldenberg(Goldenberg & Assoc.) dated 11/10/65 concerning Dead Creek Pump Station design changes requested by Monsanto.
11. Letters dated 11/27/72 & 8/16/68 from Monsanto concerning the material Monsanto put into its landfill. The letters were addressed to the IEPA & IL Sanitary Water Board respectively.

12. Letters dated 7/12/78, 7/17/78, 8/13/78 & 7/5/83 to the Village concerning the payment of the bill under protest.

A handwritten signature in black ink, appearing to be 'JMS', is written over a horizontal dashed line.

CERRO COPPER PRODUCTS CO.

INTERNAL MEMORANDUM

Other Addressees

H.L. Schweich
M. Rodberg
J. Stewart

~~Filer~~

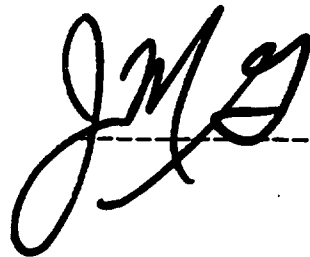
To: P. Tandler

Date: October, 12, 1989

From: J. M. Grana

Subject: Sauget Sites-PRP Meeting

While I was on the phone with Paul Takcas of IEPA on 10/5/89 concerning the sample results for the pole drilling incident, he mentioned that IEPA was planning a Sauget Sites PRP meeting the first or second week of November. He said that we would receive notices in the mail in the near future but did not give a specific date.



A handwritten signature, likely of J. M. Grana, is written over a horizontal dashed line.



217/782-6760

L1630200005 -- St. Clair County
Sauget Sites (Area I, II) -- Sauget
Superfund - Compliance/Enforcement

October 16, 1989

Paul Tandler
Vice President, Manufacturing
Cerro Copper Products, Co.
Post Office Box 66800
St. Louis, Missouri 63166-6800

Dear Mr. Tandler:

Pursuant to the information request letter sent to you on August 7, 1989, the Illinois Environmental Protection Agency (IEPA) and the Illinois Attorney General's Office will conduct a meeting on November 15, 1989 for those parties who have indicated a willingness to participate in these ongoing negotiations. The information which has been provided to the State has been helpful in addressing liability issues in the areas mentioned. Your attendance at this meeting is strongly encouraged.

If you wish to attend these negotiations, you should notify the undersigned in writing within fourteen (14) calendar days from receipt of this letter. Failure to provide such written notification will be interpreted as a refusal of participation.

Upon receiving your written notification, further details will be forwarded to you concerning the November 15, 1989 meeting. Thank you for your cooperation.

Sincerely,

Paul E. Takacs, Project Manager
Federal Site Management Unit
Remedial Project Management Section
Division of Land Pollution Control

PET:lab/3587k

cc: Terry Ayers
William Child
Bruce Carlson
Christine Zeman - IAGO
Jim Morgan - IAGO
Division File

10-17-89

cc. H. L. SCHWEICH

R. WOTTS

J. GRANA

M. ROBBURG

R. AVONST



CERRO COPPER PRODUCTS CO.

P.O. Box 66800

St. Louis, MO 63166-6800

618/337-6000

October 30, 1989

CERTIFIED MAIL

Mr. Paul E. Takacs, Project Manager
Federal Site Management Unit
Remedial Project Management Section
Division of Land Pollution Control
Illinois Environmental Protection Agency
P. O. Box 19276
Springfield, IL 62794-9276

RE: Notification of Attendance
L1630200005 - St. Clair County
Sauget Sites (Area I & II) - Sauget, IL

Dear Mr. Takacs:

In response to your October 16, 1989 letter, representatives from Cerro Copper Products will be attending your November 15, 1989 meeting concerning the subject negotiations.

Very truly yours,

CERRO COPPER PRODUCTS CO.



Paul Tandler
Vice President

PT/ge

bcc: H. L. Schweich
R. Webb
J. Grana *9/10/25/89*
M. Rodburg
R. Avendt
File

CERRO COPPER PRODUCTS CO.

Other Addressees

INTERNAL MEMORANDUM

File

To: Distribution

Date: November 9, 1989

From: J. M. Grana

Subject: IEPA PRP Meeting - November 15, 1989

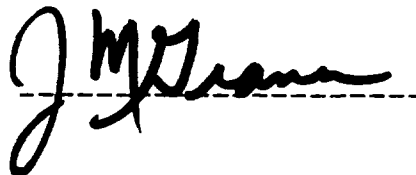
Distribution: H. Schweich
P. Tandler
M. Rodberg
J. Stewart
J. Patterson
R. Avendt
W. Shifrin

I spoke to Paul Takacs today about the meeting schedule for next week. He said he sent P. Tandler a letter today but he gave me the following information.

Date: November 15, 1989
Time: 10:00 a.m.
Location: Southern Illinois University-Edwardsville
University Center - Red Bud Room
Edwardsville, Illinois

Takacs said the letter he sent will contain an agenda for the meeting. He expects the meeting to last 1 1/2 to 2 hours. He said the meeting will mostly consist of the Agency listing their demands. There will be handouts at the meeting.

He also told me only 2 PRP's did not respond but they were minor players.



CERRO COPPER PRODUCTS CO.

Other Addressees

H. L. Schweich W/Attachments
P. Tandler
R.E. Conreaux

INTERNAL MEMORANDUM

To: File

Date: November 15, 1989

From: J. M. Grana

Subject: IEPA - Sauget Sites PRP Meeting
November 15, 1989

This memo is written to summarize the subject meeting between IEPA/IAGO and the Sauget Site's PRPs. The meeting began at 10:00 a.m. at the University Center of SIU-Edwardsville. A list of those in attendance is attached. Below is a list of those who attended from Cerro and the IEPA/IAGO office.

Cerro

P. Tandler
J. Grana
J. Patterson
R. Avendt
M. Rodburg
W. Shifrin

State of Illinois

Terry Ayres - IEPA Springfield
Paul Takacs - IEPA Springfield
Ken Mensing - IEPA Collinsville
Tom Miller - IEPA Collinsville
Bruce Carlson - IEPA Atty.
Jim Morgan - IAGO
Chris Semons - IAGO

Terry Ayres - He began meeting by introducing the representatives from the State. He then commented that the Sauget Sites are the most contaminated sites in the state of Illinois, even worse than the sites in the south Chicago Area. He stated that Areas I & II both scored high enough to be placed on the NPL and that they have been submitted to USEPA for inclusion on the Superfund list.

Paul Takacs - Narrated a slide presentation. Generally showing pictures of the different sites.

Jim Morgan - Stated that they want two basic things from the PRPs. 1. Commitment to fund and carry out an RI/FS and 2. Commitment to fund and carry out remediation chosen by the IEPA. He provided the group the draft consent decree which will be filed in Federal Court. Morgan then discussed a time table for actions. Below is the timetable and the action.

By 12/15/89 - Commitment from PRPs to negotiate the RI/FS. Also he would like the PRPs to provide IEPA with any additional PRPs. Morgan stated that additional technical information would also be available.

On 1/3/90 - Negotiations to begin with PRPs

On 3/3/90 -

Finalize and sign the consent decree on RI/FS.
Begin legal action against non-consenting PRPs.

There will be separate decrees for Areas I & II. USEPA will not be involved in RI/FS but on any R/A, USEPA would probably have to give approval.

Dick Kissel asked about RI/FS cost. Takacs said there is none determined to date. However, IEPA have already spent \$3.0 MM to date.

Kissel asked about a list of PRPs. Takacs said use the list on the notifications. They wanted the PRPs to name others PRPs.

Meeting ended at 10:35 a.m.

After the meeting the State left the room and the door closed to allow the PRPs to discuss some issues.

M. Rodberg - Introduced himself and discussed Cerro's characterization work done to verify E&E data. He said he would like to set up a meeting between the PRPs to discuss a united response to the draft consent decree. He asked how the others felt about this plan.

S. Krchma (Monsanto) - Interested in Area II only. He said Monsanto is already in litigation in Area II consequently they may not want to enter into a consent decree. However he does support the idea of a meeting.

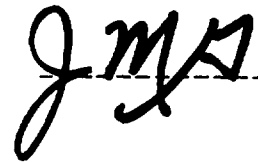
A meeting will be held on 12/4/89 at 10:00 a.m. at the Sauget Village Hall. The Village will coordinate the meeting.

After returning to Cerro we discussed providing IEPA a list of PRP's for Area I. Rodburg will draft a letter to IEPA with the following names:

Big River Zinc
Mobil Oil
Sauget & Co.
Ethyl Petroleum
Hankins

H. Waggoner
Sterling Steel
Rogers Cartage
Alton & Southern R.R.

The agenda for the 11/28/89 meeting was then discussed. Rodburg said he would put together an agenda.

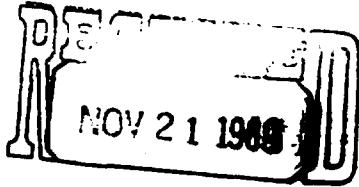


P.S. to H.L.S.:

A copy of the draft Consent Decree is attached for your information.



NEIL F. HARTIGAN
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD
62706



November 20, 1989

BY P. T.

To: See Attached Mailing List.

Re: Sauget Sites (Areas I and II)

Greetings:

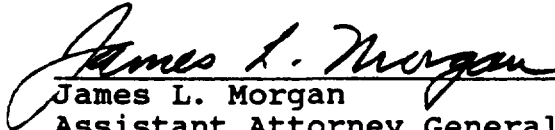
The purpose of this letter is to reiterate the schedule for pursuing a PRP-funded RIFS in this matter set forth by the Illinois Environmental Protection Agency and the Attorney General's office at the meeting held November 15th. That schedule is as follows:

1. By November 30, 1989, we are asking that all information regarding identification of additional PRP's be submitted (such submittals should be directed to my attention at the Attorney General's office);
2. By December 15, 1989, the Agency will send out notices to participate/information requests to new PRP's;
3. By December 15, 1989, all currently named PRP's wishing to participate in further negotiations with the State on the PRP funded RIFS shall submit a notice of intent to participate to the Attorney General's office (directed to my attention) with an additional time period being provided for newly identified PRP's to submit a similar notice;
4. January 3 or 4, 1990--initial negotiation session; and
5. March 5, 1990--conclude negotiations on consent order governing PRP-funded RIFS.

We are also including a copy of the model RIFS work plan described as Attachment I in the draft consent order.

If you have any questions regarding this schedule,
please contact me at 217/782-9030.

Sincerely,


James L. Morgan
Assistant Attorney General
Environmental Control Division

JLM:rsr
Enclosure
cc: Paul Takacs
Bruce Carlson

Mr. N. Cornell Boggs
Monsanto Company
800 N. Lindbergh Blvd.
St. Louis, MO 63167

Max W. McCombs
General Superintendent
Government & Environmental Affairs
Monsanto Chemical Company
500 Monsanto Avenue
Sauget, IL 62206-1198

Michael L. Rodberg
Lowenstein, Sandler, Brochin, Kohl,
Fisher & Boylan, P.C.
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Paul Tandler, Vice President
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Horace J. Drake
Vice President & General Manager
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& Hetlage
720 Olive Street, 24th Floor
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Harold G. Baker
Village of Sauget
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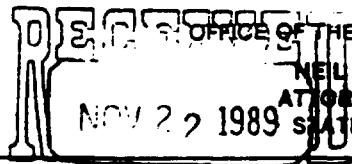
Richard J. Kissel
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St. Louis, MO 63131

Peter Keppler
Assistant General Counsel
Amax, Inc.
1707 Cole Blvd.
Golden, CO 80401-3293



OFFICE OF THE ATTORNEY GENERAL

NEIL F. HARTIGAN
ATTORNEY GENERAL
STATE OF ILLINOIS

BY P. T.

TO: Paul Tandler

DATE: 11/21/89

FROM: James L. Morgan

RE: Attachment 1

- ☐ TAKE NECESSARY ACTION
- ☐ FOR YOUR APPROVAL
- ☐ APPROVED
- ☐ REPLY
- ☐ RE-DO AND RE-SUBMIT
- ☐ FOR YOUR COMMENTS
- ☐ FOR YOUR INFORMATION
- ☐ FOR YOUR SIGNATURE

- ☐ DRAFT (LETTER) (MEMO) FOR
(MY) (YOUR) SIGNATURE
- ☐ PER OUR CONVERSATION
- ☐ SEE ME ABOUT ATTACHED
- ☐ RETURN
- ☐ FILE
- ☐ SEE REVERSE SIDE FOR
ADDITIONAL COMMENTS

REMARKS:

Attached is Attachment 1 to the 11/20/89 letter.

APPENDIX C
MODEL STATEMENT OF WORK FOR
REMEDIAL INVESTIGATIONS AND FEASIBILITY STUDIES

INTRODUCTION

This model statement of work (SOW) was developed to provide users of this guidance with an illustrative example of how the specific tasks¹ carried out during a remedial investigation (RI) and feasibility study (FS) may be presented. Because an RI/FS is phased in accordance with a site's complexity and the amount of available information, it may be necessary to modify components of the SOW in order to tailor the tasks to the specific conditions at a site. Similarly, the level of detail and the specification of individual tasks will vary according to the budget, size, and complexity of the contract. Therefore, a SOW may differ, or additional tasks may be added to what is presented here.

A SOW should begin with a section identifying the site, its regulatory history, if any, and a statement and discussion of the purpose and objectives of the RI/FS within the context of that particular site. This section should be followed by a discussion of the specific tasks that will be necessary to meet the stated objectives. The SOW should be accompanied by U.S. EPA's Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA (EPA, October 1988).

¹REM contractor standard tasks have been developed for cost accounting purposes (see Appendix B) and are the basis of the format of this model SOW.

MODEL SOW FOR CONDUCTING AN RI/FS

PURPOSE

The purpose of this remedial investigation/feasibility study (RI/FS) is to investigate the nature and extent of contamination at the OTR site and to develop and evaluate remedial alternatives, as appropriate. The contractor will furnish all necessary personnel, materials, and services needed for, or incidental to, performing the RI/FS, except as otherwise specified herein. The contractor will conduct the RI/FS in accordance with the Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA (U.S. EPA, October 1988).

This statement of work (SOW) has been developed for the OTR site that operated as a former drum recycling center from 1968 through 1979. OTR was proposed for inclusion to the NPL in September 1980 and appeared as final on the NPL in September 1981. A removal action taken in 1982 removed all visible drums and disposed of them in an offsite landfill. Three buildings remain onsite along with visibly stained soil that is assumed to be contaminated with TCE, benzene, and other organics. It is suspected that releases from the site have contaminated nearby surface waters and ground waters beneath the site.

SCOPE

The specific RI/FS activities to be conducted at the OTR site are segregated into 11 separate tasks.

- o Task 1--Project Planning
- o Task 2--Community Relations
- o Task 3--Field Investigations
- o Task 4--Sample Analysis/Validation
- o Task 5--Data Evaluation

- o Task 6--Risk Assessment
- o Task 7--Treatability Studies
- o Task 8--RI Report(s)
- o Task 9--Remedial Alternatives Development and Screening
- o Task 10--Detailed Analysis of Alternatives
- o Task 11--FS Report(s)

The contractor shall specify a schedule of activities and deliverables, a budget estimate, and staffing requirements for each of the tasks which are described below.

Task 1--Project Planning

Upon receipt of an interim authorization memorandum (used to authorize work plan preparation) and this SOW from U.S. EPA outlining the general scope of the project, the contractor shall begin planning the specific RI/FS activities that will need to be conducted. As part of this planning effort, the contractor will compile existing information (e.g., topographic maps, aerial photographs, data collected as part of the NPL listing process, and data collected as part of the drum removal of 1982) and conduct a site visit to become familiar with site topography, access routes, and the proximity of potential receptors to site contaminants. Based on this information (and any other available data), the contractor will prepare a site background summary that should include the following:

- o Local Regional Summary. A summary of the location of the site, pertinent area boundary features and general site physiography, hydrology, geology, and the location(s) of any nearby drinking water supply wells.
- o Nature and Extent of Problem. A summary of the actual and potential onsite and offsite health and environmental effects posed by any remaining contamination at the site. Emphasis should be on providing a conceptual understanding of the sources of contamination, potential release mechanisms,

potential routes of migration, and potential human and environmental receptors.

- o History of Regulatory and Response Actions. A summary of any previous response actions conducted by local, State, Federal, or private parties. This summary should address any enforcement activities undertaken to identify responsible parties, compel private cleanup, and recover costs. Site reference documents and their locations should be identified.
- o Preliminary Site Boundary. A preliminary site boundary to define the initial area(s) of the remedial investigation. This preliminary boundary may also be used to define an area of access control and site security.

The contractor will meet with EPA to discuss the following:

- o The proposed scope of the project and the specific investigative and analytical activities that will be required
- o Whether there is a need to conduct limited sampling to adequately scope the project and develop project plans
- o Preliminary remedial action objectives and general response actions
- o Potential remedial technologies and the need for or usefulness of treatability studies
- o Potential ARAAs associated with the location and contaminants of the site and the potential response actions being contemplated
- o Whether a temporary site office should be set up to support site work

Once the scope has been agreed upon with EPA, the contractor will (1) develop the specific project plans to meet the objectives of the RI/FS¹ and (2) initiate subcontractor procurement and coordination with analytical laboratories. The project plans will include: a work plan which provides a project description and outlines the overall technical approach, complete with corresponding personnel requirements, activity schedules, deliverable due dates, and budget estimates for each of the specified tasks; a sampling and analysis plan (composed of the field sampling plan (FSP) and the quality assurance project plan (QAPP)); a health and safety plan; and a community relations plan. The latter three plans are described below.

Sampling and Analysis Plan. The contractor will prepare a SAP which will consist of the following:

Field Sampling Plan. The FSP should specify and outline all necessary activities to obtain additional site data. It should contain an evaluation explaining what additional data are required to adequately characterize the site, conduct a baseline risk assessment, and support the evaluation of remedial technologies in the FS. The FSP should clearly state sampling objectives; necessary equipment; sample types, locations, and frequency; analyses of interest; and a schedule stating when events will take place and when deliverables will be submitted.

Quality Assurance Project Plan. The QAPP should address all types of investigations conducted and should include the following discussions:

- o A project description (should be duplicated from the work plan)

¹At some sites it may be necessary to submit an interim work plan initially until more is learned about the site. A subsequent, more thorough project planning effort can then be used to develop final workplans.

- o A project organization chart illustrating the lines of responsibility of the personnel involved in the sampling phase of the project
- o Quality assurance objectives for data such as the required precision and accuracy, completeness of data, representativeness of data, comparability of data, and the intended use of collected data
- o Sample custody procedures during sample collection, in the laboratory, and as part of the final evidence files
- o The type and frequency of calibration procedures for field and laboratory instruments, internal quality control checks, and quality assurance performance audits and system audits
- o Preventative maintenance procedures and schedule and corrective action procedures for field and laboratory instruments
- o Specific procedures to assess data precision, representativeness, comparability, accuracy, and completeness of specific measurement parameters
- o Data documentation and tracking procedures

Standard operating procedures for QA/QC that have been established within EPA will be referenced and not duplicated in the QAPP.

Health and Safety Plan. The contractor will develop an HSP on the basis of site conditions to protect personnel involved in site activities and the surrounding community. The plan should address all applicable regulatory requirements contained in 20 CFR 1910.120(1)(2)--Occupational Health and Safety Administration, Hazardous Waste Operations and Emergency Response, Interim Rule, December 19, 1986; U.S. EPA Order 1440.2--Health and Safety Requirements for Employees Engaged in

Field Activities; U.S. EPA Order 1440.3--Respiratory Protection; U.S. EPA Occupational Health and Safety Manual; and U.S. EPA Interim Standard Operating Procedures (September, 1982). The plan should provide a site background discussion and describe personnel responsibilities, protective equipment, health and safety procedures and protocols, decontamination procedures, personnel training, and type and extent of medical surveillance. The plan should identify problems or hazards that may be encountered and how these are to be addressed. Procedures for protecting third parties, such as visitors or the surrounding community, should also be provided. Standard operating procedures for ensuring worker safety should be referenced and not duplicated in the HSP.

Community Relations Plan. The contractor will prepare a community relations plan on how citizens want to be involved in the process based on interviews with community representatives and leaders. The CLP will describe the types of information to be provided to the public and outline the opportunities for community comment and input during the RI/FS. Deliverables, schedule, staffing, and budget requirements should be included in the plan.

The work plan and corresponding activity plans will be submitted to EPA as specified in the contract or as discussed in the initial meeting(s). The contractor will provide a quality review of all project planning deliverables.

Task 2--Community Relations

The contractor will provide the personnel, services, materials, and equipment to undertake a community relations program. This program will be integrated closely with all remedial response activities to ensure community understanding of actions being taken and to obtain community input on RI/FS progress. Community relations support provided by the contractor will include, but may not be limited to, the following:

- o Revisions or additions to community relations plans, including definition of community relations program needs for each remedial activities
- o Establishment of a community information repository(ies), one of which will house a copy of the administrative record
- o Preparation and dissemination of news releases, fact sheets, slide shows, exhibits, and other audio-visual materials designed to apprise the community of current or proposed activities
- o Arrangements of briefings, press conferences, workshops, and public and other informal meetings
- o Analysis of community attitudes toward the proposed actions
- o Assessment of the successes and failures of the community relations program to date
- o Preparation of reports and participation in public meetings, project review meetings, and other meetings as necessary for the normal progress of the work
- o Solicitation, selection, and approval of subcontractors, if needed

Deliverables and the schedule for submittal will be identified in the community relations plan discussed under Task 1.

Task 3--Field Investigations

The contractor will conduct those investigations necessary to characterize the site and to evaluate the actual or potential risk to human health and the environment posed by the site. Investigation

activities will focus on problem definition and result in data of adequate technical content to evaluate potential risks and to support the development and evaluation of remedial alternatives during the FS. The aerial extent of investigation will be finalized during the remedial investigation.

Site investigation activities will follow the plans developed in Task 1. Strict chain-of-custody procedures will be followed and all sample locations will be identified on a site map. The contractor will provide management and QC review of all activities conducted under this task. Activities anticipated for this site are as follows:

- o Surveying and Mapping of the Site.¹ Develop a map of the site that includes topographic information and physical features on and near the site. If no detailed topographic map for the site and surrounding area exists, a survey of the site will be conducted. Aerial photographs should be used, when available, along with information gathered during the preliminary site visit to identify physical features of the area.
- o Waste Characterization. Determine the location, type, and quantities as well as the physical or chemical characteristics of any waste remaining at the site. If hazardous substances are held in containment vessels, the integrity of the containment structure and the characteristics of the contents will be determined.
- o Hydrogeologic Investigation. Determine the presence and potential extent of ground water contamination. Efforts should begin with a survey of previous hydrogeologic studies and other existing data. The survey should address the soil's retention capacity/mechanisms, discharge/recharge areas,

¹ May be conducted under Task 1 as part of the site visit or limited investigation.

regional flow directions and quality, and the likely effects of any alternatives that are developed involving the pumping and disruption of ground water flow. Results from the sampling program should estimate the horizontal and vertical distribution of contaminants, the contaminants' mobility, and predict the long-term disposition of contaminants.

o Soils and Sediments Investigation. Determine the vertical and horizontal extent of contamination of surface and subsurface soils and sediments and identify any uncertainties with this analysis. Information on local background levels, degree of hazard, location of samples, techniques used, and methods of analysis should be included. If initial efforts indicate that buried waste may be present, the probable locations and quantities of these subsurface wastes should be identified through the use of appropriate geophysical methods.

o Surface Water Investigation. Estimate the extent and fate of any contamination in the nearby surface waters. This effort should include an evaluation of possible future discharges and the degree of contaminant dilution expected.

o Air Investigation. Investigate the extent of atmospheric contamination from those contaminants found to be present at the site. This effort should assess the potential of the contaminants to enter the atmosphere, local wind patterns, and the anticipated fate of airborne contaminants.

Information from this task will be summarized and included in the RI/FS report appendixes.

Task 4--Sample Analysis/Validation

The contractor will develop a data management system including field logs, sample management and tracking procedures, and document control and inventory procedures for both laboratory data and field

measurements to ensure that the data collected during the investigation are of adequate quality and quantity to support the risk assessment and the FS. Collected data should be validated at the appropriate field or laboratory QC level to determine whether it is appropriate for its intended use. Task management and quality controls will be provided by the contractor. The contractor will incorporate information from this task into the RI/FS report appendixes.

Task 5--Data Evaluation

The contractor will analyze all site investigation data and present the results of the analyses in an organized and logical manner so that the relationships between site investigation results for each medium are apparent. The contractor will prepare a summary that describes (1) the quantities and concentrations of specific chemicals at the site and the ambient levels surrounding the site; (2) the number, locations, and types of nearby populations and activities; and (3) the potential transport mechanism and the expected fate of the contaminant in the environment.

Task 6--Risk Assessment

The contractor shall conduct a baseline risk assessment to assess the potential human health and environmental risks posed by the site in the absence of any remedial action. This effort will involve four components: contaminant identification, exposure assessment, toxicity assessment, and risk characterization.

- o Contaminant Identification. The contractor will review available information on the hazardous substances present at the site and identify the major contaminants of concern. Contaminants of concern should be selected based on their intrinsic toxicological properties because they are present in

large quantities, and/or because they are currently in, or potentially may migrate into, critical exposure pathways (e.g., drinking water).

Exposure Assessment. The contractor will identify actual or potential exposure pathways, characterize potentially exposed populations, and evaluate the actual or potential extent of exposure.

o Toxicity Assessment. The contractor will provide a toxicity assessment of those chemicals found to be of concern during site investigation activities. This will involve an assessment of the types of adverse health or environmental effects associated with chemical exposures, the relationships between magnitude of exposures and adverse effects, and the related uncertainties for contaminant toxicity, (e.g., weight of evidence for a chemical's carcinogenicity).

o Risk Characterization. The contractor will integrate information developed during the exposure and toxicity assessments to characterize the current or potential risk to human health and/or the environment posed by the site. This characterization should identify the potential for adverse health or environmental effects for the chemicals of concern and identify any uncertainties associated with contaminant(s), toxicity(ies), and/or exposure assumptions.

The risk assessment will be submitted to EPA as part of the RI report.

Task 7--Treatability Studies

The contractor will conduct bench and/or pilot studies as necessary to determine the suitability of remedial technologies to site conditions and problems. Technologies that may be suitable to the site should be

identified as early as possible to determine whether there is a need to conduct treatability studies to better estimate costs and performance capabilities. Should treatability studies be determined to be necessary, a testing plan identifying the types and goals of the studies, the level of effort needed, a schedule for completion, and the data management guidelines should be submitted to EPA for review and approval. Upon EPA approval, a test facility and any necessary equipment, vendors, and analytical services will be procured by the contractor.

Upon completion of the testing, the contractor will evaluate the results to assess the technologies with respect to the goals identified in the test plan. A report summarizing the testing program and its results should be prepared by the contractor and presented in the final RI/FS report. The contractor will implement all management and QC review activities for this task.

Task 8--RI Report

Monthly reports will be prepared by the contractor to describe the technical and financial progress at the OTR site. Each month the following items will be reported:

- o Status of work and the progress to date
- o Percentage of the work completed and the status of the schedule
- o Difficulties encountered and corrective actions to be taken
- o The activity(ies) in progress
- o Activities planned for the next reporting period
- o Any changes in key project personnel

- o Actual expenditures (including fee) and direct labor hours for the reporting period and for the cumulative term of the project
- o Projection of expenditures needed to complete the project and an explanation of significant departures from the original budget estimate

Monthly reports will be submitted to U.S. EPA as specified in the contract. In addition, the activities conducted and the conclusions drawn during the remedial investigation (Tasks 3 through 7) will be documented in an RI report (supporting data and information should be included in the appendixes of the report). The contractor will prepare and submit a draft RI report to EPA for review. Once comments on the draft RI report are received, the contractor will prepare a final RI report reflecting these comments.

Task 9--Remedial Alternatives Development and Screening

The contractor will develop a range of distinct, hazardous waste management alternatives that will remediate or control any contaminated media (soil, surface water, ground water, sediments) remaining at the site, as deemed necessary in the RI, to provide adequate protection of human health and the environment. The potential alternatives should encompass, as appropriate, a range of alternatives in which treatment is used to reduce the toxicity, mobility, or volume of wastes but vary in the degree to which long-term management of residuals or untreated waste is required, one or more alternatives involving containment with little or no treatment; and a no-action alternative. Alternatives that involve minimal efforts to reduce potential exposures (e.g., site fencing, deed restrictions) should be presented as "limited action" alternatives.

The following steps will be conducted to determine the appropriate range of alternatives for this site:

o Establish Remedial Action Objectives and General Response Actions¹.

Based on existing information, site-specific remedial action objectives to protect human health and the environment should be developed. The objectives should specify the contaminant(s) and media of concern, the exposure route(s) and receptor(s), and an acceptable contaminant level or range of levels for each exposure route (i.e., preliminary remediation goals).

Preliminary remediation goals should be established based on readily available information (e.g., RfDs) or chemical-specific ARARs (e.g., MCLs). The contractor should meet with EPA to discuss the remedial action objectives for the site. As more information is collected during the RI, the contractor, in consultation with EPA, will refine remedial action objectives as appropriate.

General response actions will be developed for each medium of interest defining contaminant, treatment, excavation, pumping, or other actions, singly or in combination to satisfy remedial action objectives. Volumes or areas of media to which general response actions may apply shall be identified, taking into account requirements for protectiveness as identified in the remedial action objectives and the chemical and physical characteristics of the site.

- o Identify and Screen Technologies. Based on the developed general response actions, hazardous waste treatment technologies should be identified and screened to ensure that only those technologies applicable to the contaminants present, their physical matrix, and other site characteristics will be considered. This screening will be based primarily on a

¹ Preliminary remedial action objectives are developed as part of the project planning phase.

technology's ability to effectively address the contaminants at the site, but will also take into account a technology's implementability and cost. The contractor will select representative process options, as appropriate, to carry forward into alternative development. The contractor will identify the need for treatability testing (as described under Task 7) for those technologies that are probable candidates for consideration during the detailed analysis.

- o Configure and Screen Alternatives. The potential technologies and process options will be combined into media-specific or sitewide alternatives. The developed alternatives should be defined with respect to size and configuration of the representative process options; time for remediation; rates of flow or treatment; spatial requirements; distances for disposal; and required permits, imposed limitations, and other factors necessary to evaluate the alternatives. If many distinct, viable options are available and developed, a screening of alternatives will be conducted to limit the number of alternatives that undergo the detailed analysis and to provide consideration of the most promising process options. The alternatives should be screened on a general basis with respect to their effectiveness, implementability, and cost. The contractor will meet with EPA to discuss which alternatives will be evaluated in the detailed analysis and to facilitate the identification of action-specific ARARs.

Task 10--Detailed Analysis of Alternatives

The contractor will conduct a detailed analysis of alternatives which will consist of an individual analysis of each alternative against a set of evaluation criteria and a comparative analysis of all options against the evaluation criteria with respect to one another.

The evaluation criteria are as follows:

- c Overall Protection of Human Health and the Environment addresses whether or not a remedy provides adequate protection and describes how risks posed through each pathway are eliminated, reduced, or controlled through treatment, engineering controls, or institutional controls.
- c Compliance with ARARs addresses whether or not a remedy will meet all of the applicable or relevant and appropriate requirements of other Federal and State environmental statutes and/or provide grounds for invoking a waiver.
- c Long-Term Effectiveness and Permanence refers to the ability of a remedy to maintain reliable protection of human health and the environment over time once cleanup goals have been met.
- c Reduction of Toxicity, Mobility, or Volume Through Treatment is the anticipated performance of the treatment technologies a remedy may employ.
- c Short-Term Effectiveness addresses the period of time needed to achieve protection and any adverse impacts on human health and the environment that may be posed during the construction and implementation period until cleanup goals are achieved.
- c Implementability is the technical and administrative feasibility of a remedy, including the availability of materials and services needed to implement a particular option.
- c Cost includes estimated capital and operation and maintenance costs, and net present worth costs.
- c State Acceptance (Support Agency) addresses the technical or administrative issues and concerns the support agency may have regarding each alternative.

- o Community Acceptance¹ addresses the issues and concerns the public may have to each of the alternatives.

The individual analysis should include: (1) a technical description of each alternative that outlines the waste management strategy involved and identifies the key ARARs associated with each alternative; and (2) a discussion that profiles the performance of that alternative with respect to each of the evaluation criteria. A table summarizing the results of this analysis should be prepared. Once the individual analysis is complete, the alternatives will be compared and contrasted to one another with respect to each of the evaluation criteria.

Task 11--FS Report(s)

Monthly contractor reporting requirements for the FS are the same as those specified for the RI under Task 8.

The contractor will present the results of Tasks 9 and 10 in a FS report. Support data, information, and calculations will be included in appendixes to the report. The contractor will prepare and submit a draft FS report to EPA for review. Once comments on the draft FS have been received, the contractor will prepare a final FS report reflecting the comments.² Copies of the final report will be made and distributed to those individuals identified by EPA.

¹These criteria will be addressed in the ROU once comments on the RI/FS report and proposed plan have been received and will not be included in the RI/FS report.

²The final FS report may be bound with the final RI report.

LOWENSTEIN, SANDLER, KOHL, FISHER & BOYLAN

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW
65 LIVINGSTON AVENUE
ROSELAND, NEW JERSEY

07068-1791

TELEPHONE (201) 992-8700

FACSIMILE (201) 992-5820

SOMERVILLE OFFICE

TELEPHONE (201) 526-3300

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CHRISTINE A. RANIERI
JAYNE A. PRITCHARD
MIRIAM KAHAN BRODY
GWEN J. LOURIE

*N.Y. BAR ONLY

November 30, 1989

FEDERAL EXPRESS

Mr. Paul E. Takacs, Project Manager
Federal Site Management Unit
Remedial Project Management Section
Division of Land Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276

Re: Sauget Sites

Dear Mr. Takacs:

Pursuant to IEPA's request, Cerro Copper is identifying the following as possible additional potential responsible parties at the Sauget Sites Area I. Some of the entities named are companies that conducted manufacturing activities in Sauget. Others named are current or past owners of property included within Area I.

POSSIBLE POTENTIALLY RESPONSIBLE PARTIES

- Big River Zinc
- Harold Waggoner and Waggoner Trucking
- Mobil Oil
- Sterling Steel Foundry
- Sauget and Co./Paul Sauget
- Rogers Cartage Company
- Ethyl Petroleum

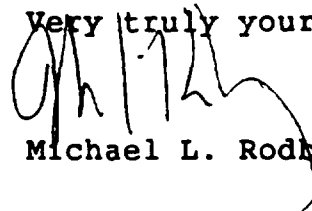
Mr. Paul E. Takacs, Project Manager
Page 2

November 30, 1989

- Lillian Hankins
- Alton and Southern Railroad Company
- Village of Sauget
- Lilly Mifflin
- Louis Sauget
- Bank of Belleville in Trust for Fran Sauget
- Wiese Engineering

If you need any further information, we will be happy to assist you.

Very truly yours,



Michael L. Rodburg

MLR:her

cc: Henry Schweich
Paul Tandler
Robert Webb, Esq.

LOWENSTEIN, SANDLER, KOHL, FISHER & BOYLAN

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW
65 LIVINGSTON AVENUE
ROSELAND, NEW JERSEY

07066-1791

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November 30, 1989

FEDERAL EXPRESS

Mr. Paul E. Takacs, Project Manager
Federal Site Management Unit
Remedial Project Management Section
Division of Land Pollution Control
Illinois Environmental Protection Agency
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- Rogers Cartage Company
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PS56

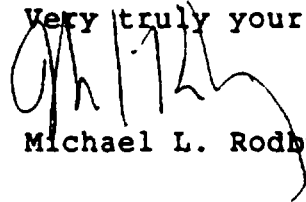
Mr. Paul E. Takacs, Project Manager
Page 2

November 30, 1989

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- Wiese Engineering

If you need any further information, we will be happy to assist you.

Very truly yours,



Michael L. Rodburg

MLR:her

cc: Henry Schweich
Paul Tandler
Robert Webb, Esq.

PS57

cc. H.L. Schmechel
J.M. Grana

LOWENSTEIN, SANDLER, KOHL, FISHER & BOYLAN

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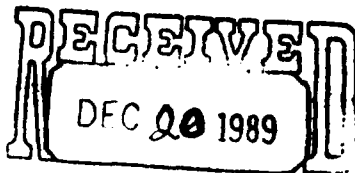
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GWEN J. LORIE
*N.Y. BAR ONLY



December 15, 1989

P. T.

James L. Morgan, Esq.
Assistant Attorney General
Environmental Control Division
Office of Attorney General
Springfield, Illinois 62706

Re: Sauget Sites -- Area I
Notice of Intent to Participate
In Negotiations

Dear Mr. Morgan:

You have received or will receive shortly a letter from potentially responsible parties with respect to Area II regarding their notice of intent to participate in negotiations. You will note that our client, Cerro Copper Products Co., has indicated its intention to participate with that group.

With respect to Area I, there was a consensus at the recently held prp meeting that Area II negotiations should proceed ahead of Area I negotiations, in part at least because the prps with respect to Area II have been more definitively identified. Cerro has encouraged Area I prps, both those named by IEPA and those which hopefully in the near future will be named by IEPA, to organize and participate in your invitation to negotiate. The prps at this time are insufficiently identified or otherwise have not indicated an intention to participate sufficiently to be in a position now to commence those negotiations. We

121589ATYMLR183

S118

James L. Morgan, Esq.
Page 2

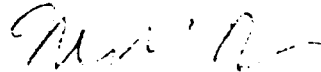
December 15, 1989

tend to concur with the consensus of the last prp meeting that by the time Area II negotiations are well along, perhaps the Area I prp group will be in a position to commence those negotiations.

Cerro does not believe that it would be appropriate to delay negotiations with you and the IEPA with respect to a consent decree for a planned removal of contaminated sediments from Dead Creek Segment A. We would like to commence those discussions as soon as possible. Moreover, if the suggested delay in Area I negotiations is unacceptable to you or IEPA, Cerro is prepared to participate in prp group negotiations for Area I.

Please feel free to call or write regarding any questions you may have as to the foregoing. In particular, we should speak regarding a date for discussions of the planned removal action.

Very truly yours,



Michael L. Rodburg

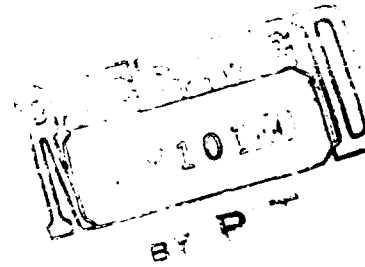
MLR:vl

cc: Paul E. Takacs, Project Mgr.



217/782-6760

Refer to: L1630200005 -- St. Clair County
Sauget Sites (Area I) -- Sauget
Superfund/General Correspondence



May 4, 1990

Paul Tandler, Vice President
Cerro Copper Products Co.
Post Office Box 66800
St. Louis, Missouri 63166-6800

Dear Mr. Tandler:

This letter will confirm our Area I meeting scheduled at the Holiday Inn at Collinsville on May 31, 1990. The meeting will be held at the Executive Conference Room #1 and will begin at 9:00 a.m.

As had been discussed in our earlier meeting on March 22, 1990, IEPA agreed to review a title search completed by Monsanto which included Area I sites. Enclosed is an updated PRP list which includes potentially responsible landowners of sites G, H, I and L of Area I (see attachments). Although not mandatory, the Agency has proceeded to notify such landowners in a responsive effort to broaden the base of involved PRPs. We understand that a proposal for an RI/FS of Area I is to be presented at this upcoming meeting.

If you have any questions, please feel free to contact me at the above number.

Sincerely,

Paul E. Takacs, Project Manager
Federal Site Management Unit
Remedial Project Management Section
Division of Land Pollution Control

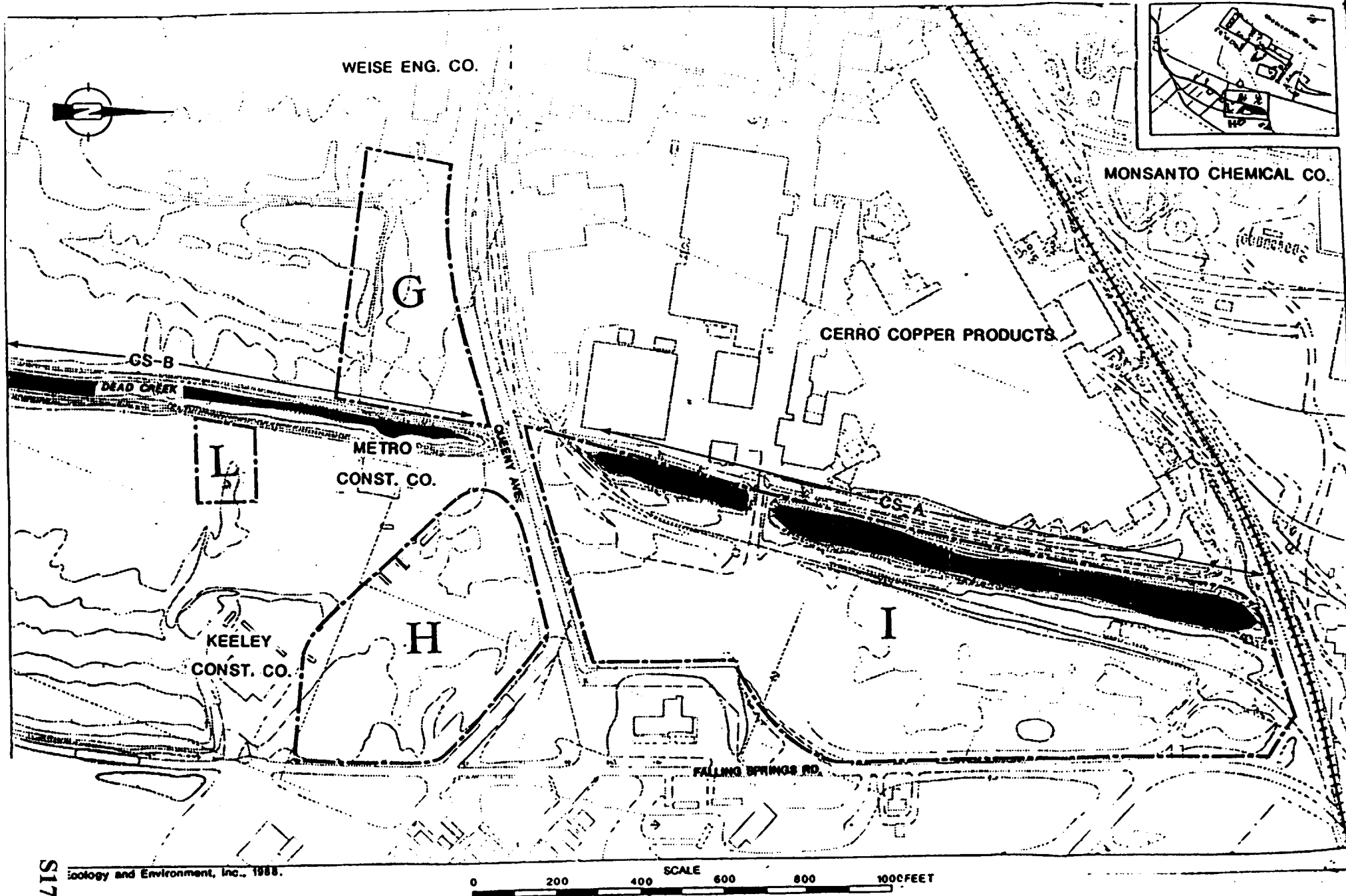
PET:bjh/1568n/64

Attachments

cc: Division File

5/10/90 cc. H.L. Semmons
R. Brown
J. Brown (HHS Copy)
J. Grana
File - Superfund sites

Attachment 1
Area I Location Map



Attachment 2
PRP List - Area I

Cerro Copper Products Co.
P.O Box 66800
St. Louis, Missouri 63166-6800

Richard M. Cohen
601 North Faring Road
Los Angeles, California 90077

Illinois State Trust Company
222 East Main
Belleville, Illinois 62220

Tony L. Lechner
153 Bon Chateau
St. Louis, Missouri 63141

Stanley Kreitman
345 Hudson Street
New York, New York 10014

Midwest Rubber Reclaiming Co.
3101 Mississippi Avenue
Sauget, Illinois 62206

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Missouri 63167

Rogers Cartage Company
9150 South Damen Avenue
Chicago, Illinois 60602-2607

Ruan Transport Corporation
666 Grand Avenue
Des Moines, Iowa 50309

Paul Sauget
2700 Falling Springs Road
Sauget, Illinois 62201

James D. Tolbird
762 Leon
Cahokia, Illinois 62206

Village of Sauget
2350 Monsanto Avenue
Sauget, Illinois 62206

Morris Weissman
345 Hudson Street
New York, New York 10014

Harold W. Wiese
205 Graybridge Road
St. Louis, Missouri 63124

Wiese Planning and Engineering, Inc.
1200 Queeny Avenue
Sauget, Illinois 62206

cc. H.C. Scamman
J. Hansen -



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

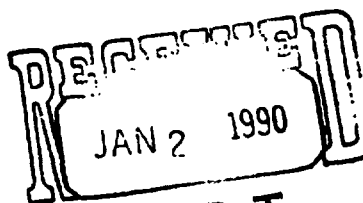
230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

5HSM-12

DEC 27 1989



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cerro Copper Products Company
P.O. Box 681
East St. Louis, Illinois 62202

RE: Dead Creek Site, Sauget, Illinois Site No. 60

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) in cooperation with the Illinois Environmental Protection Agency has been conducting response actions to address contamination at the Dead Creek Site in Illinois. U.S. EPA took these actions under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Section 9601 et seq., as subsequently amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 (CERCLA as amended). Prior to undertaking these response actions, U.S. EPA determined that there was a release or threatened release of hazardous substances from the Dead Creek Site.

During the response, U.S. EPA undertook several actions at the site. This included the erection of 4,146 feet of cyclone fencing to enclose the contamination and to prevent entry into this abandoned disposal area.

Response costs associated with this site have been incurred by U.S. EPA. The approximate U.S. EPA response costs identified up to December 18, 1989 for the above referenced Site are \$49,974.51. A summary is enclosed.

Information available to U.S. EPA indicates among other things that you are potentially responsible for the release, or threat of release of hazardous substances from the site. Pursuant to the provisions of Section 107(a) of CERCLA, as amended, and based on evidence currently available to the Agency, U.S. EPA believes that you may be liable for the payment of all costs incurred by U.S. EPA in connection with the site. The potentially responsible parties are jointly and severally liable for the whole amount.

Such payment must be made to the U.S. EPA Hazardous Substances Superfund established pursuant to Section 221 of CERCLA, as amended, which is administered by U.S. EPA. Please send your check to U.S. EPA - Region V,

Attn: Superfund Accounting, P.O. Box 70753, Chicago, Illinois 60673. Place the site identification number on the check. Please send a copy of your payment check to Shirley Dorsey, U.S. EPA, Region V, Waste Management Division (5HSM-TUB7), 230 South Dearborn Street, Chicago, Illinois 60604.

We hereby request that you make restitution by payment of the amount in this letter plus interest, together with any sums hereafter expended by the Agency in connection with the site pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) days of the date of this letter.

If you desire to discuss your liability with U.S. EPA, please contact Elizabeth Doyle, Assistant Regional Counsel, in writing not later than thirty (30) days after the date of this letter. Ms. Doyle may also be reached by phone at (312) 886-7951.

If we do not receive a response from you within this time frame, the U.S. EPA will assume that you have declined to reimburse the Fund for the site expenditures, and pursuant to CERCLA, as amended, U.S. EPA may pursue civil litigation against you.

The name of other potentially responsible parties (PRPs) receiving this request for payment are enclosed with this letter to facilitate organization among the identified parties concerning payment. The PRPs should work out an allocation among themselves to apportion costs.

Sincerely yours,

John Kelley
John Kelley, Chief
Superfund Program Management Branch

Enclosures

cc: William Child, Director
Division of Land Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

DEAD CREEK POTENTIALLY RESPONSIBLE PARTY LIST

1. Cerro Copper Products Company
P.O. Box 681
East St. Louis, IL 62202
2. Midwest Rubber Reclaiming
P.O. Box 2349
East St. Louis, IL 602202
3. Ruan Transportation
Box 855
DesMoines, IA 50304
4. Monsanto Chemical Company
500 Monsanto Avenue
Sauget, IL 62206-1198

CUMULATIVE COST SUMMARY
DEAD CREEK, IL
SUPERFUND SITE # 60
PREPARED 12/11/89

EPA EXPENDITURES		Cumulative Costs Through October 31, 1989	
EPA PAYROLL —			
— Headquarters	\$		0.00
— Regional			6,624.80
INDIRECT COST —			
			4,640.10
EPA TRAVEL —			
-- Headquarters			0.00
-- Regional			1,381.49
FIELD INVESTIGATION TEAM CONTRACT—			
--ECOLOGY AND ENVIRONMENT (68-01-6056)			5,773.12
OTHER EXPENDITURES—			
WDM OFFICE SUPPLIES (58589GGBX)			110.00
--OSC LET CONTRACT(68-01-6620)			30,845.00
--OSC LET CONTRACT(68-85-0151)			400.00
--OSC LET CONTRACT(68-85-0152)			<u>200.00</u>
TOTAL EPA COSTS BEFORE INTEREST	\$		49,974.51
Pre-Judgement Interest			<u>0.00</u>
TOTAL EPA COSTS FOR DEAD CREEK	\$		49,974.51
TOTAL COSTS RECOVERED TO DATE			<u>0.00</u>
TOTAL EPA UNRECOVERED COSTS DEAD CREEK	\$		49,974.51

Please Note: National Contract Laboratory program costs, if incurred, may be significantly understated. These costs do not include any lab costs that may have been billed to EPA prior to FY 1986 and no estimate of the CLP Sample Management Cost (ranges from 6.1 % to 17% of Analytical costs) is provided. A complete accounting of Contract Laboratory Costs is normally provided by VIAR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

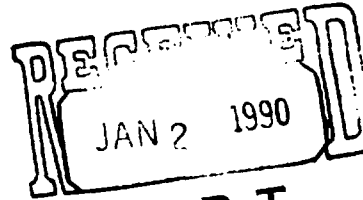
230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

SHSM-12

DEC 27 1989



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RETURN RECEIPT REQUESTED

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East St. Louis, Illinois 62202

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Such payment must be made to the U.S. EPA Hazardous Substances Superfund established pursuant to Section 221 of CERCLA, as amended, which is administered by U.S. EPA. Please send your check to U.S. EPA - Region V,

Attn: Superfund Accounting, P.O. Box 70753, Chicago, Illinois 60673. Place the site identification number on the check. Please send a copy of your payment check to Shirley Dorsey, U.S. EPA, Region V, Waste Management Division (5HSM-TUB7), 230 South Dearborn Street, Chicago, Illinois 60604.

We hereby request that you make restitution by payment of the amount in this letter plus interest, together with any sums hereafter expended by the Agency in connection with the site pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) days of the date of this letter.

If you desire to discuss your liability with U.S. EPA, please contact Elizabeth Doyle, Assistant Regional Counsel, in writing not later than thirty (30) days after the date of this letter. Ms. Doyle may also be reached by phone at (312) 886-7951.

If we do not receive a response from you within this time frame, the U.S. EPA will assume that you have declined to reimburse the Fund for the site expenditures, and pursuant to CERCLA, as amended, U.S. EPA may pursue civil litigation against you.

The name of other potentially responsible parties (PRPs) receiving this request for payment are enclosed with this letter to facilitate organization among the identified parties concerning payment. The PRPs should work out an allocation among themselves to apportion costs.

Sincerely yours,

John Kelley
John Kelley, Chief
Superfund Program Management Branch

Enclosures

cc: William Child, Director
Division of Land Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

DEAD CREEK POTENTIALLY RESPONSIBLE PARTY LIST

1. Cerro Copper Products Company
P.O. Box 681
East St. Louis, IL 62202
2. Midwest Rubber Reclaiming
P.O. Box 2349
East St. Louis, IL 602202
3. Ruan Transportation
Box 855
Des Moines, IA 50304
4. Monsanto Chemical Company
500 Monsanto Avenue
Sauget, IL 62206-1198

**CUMULATIVE COST SUMMARY
DEAD CREEK, IL
SUPERFUND SITE # 60
PREPARED 12/11/89**

EPA EXPENDITURES	Cumulative Costs Through October 31, 1989
EPA PAYROLL —	
— Headquarters	\$ 0.00
— Regional	6,624.80
INDIRECT COST —	
	4,640.10
EPA TRAVEL —	
-- Headquarters	0.00
-- Regional	1,381.49
FIELD INVESTIGATION TEAM CONTRACT—	
--ECOLOGY AND ENVIRONMENT (68-01-6056)	5,773.12
OTHER EXPENDITURES—	
WDM OFFICE SUPPLIES (58589GGBX)	110.00
--OSC LET CONTRACT(68-01-6620)	30,845.00
--OSC LET CONTRACT(68-85-0151)	400.00
--OSC LET CONTRACT(68-85-0152)	<u>200.00</u>
TOTAL EPA COSTS BEFORE INTEREST	\$ 49,974.51
Pre-Judgement Interest	<u>0.00</u>
TOTAL EPA COSTS FOR DEAD CREEK	\$ 49,974.51
TOTAL COSTS RECOVERED TO DATE	<u>0.00</u>
TOTAL EPA UNRECOVERED COSTS DEAD CREEK	\$ <u><u>49,974.51</u></u>

Please Note: National Contract Laboratory program costs, if incurred, may be significantly understated. These costs do not include any lab costs that may have been billed to EPA prior to FY 1986 and no estimate of the CLP Sample Management Cost (ranges from 6.1 % to 17% of Analytical costs) is provided. A complete accounting of Contract Laboratory Costs is normally provided by VIAR

LOWENSTEIN, SANDLER, KOHL, FISHER & BOYLAN

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW

65 LIVINGSTON AVENUE

ROSELAND, NEW JERSEY

07068-1791

TELEPHONE (201) 992-8700

FACSIMILE (201) 992-8820

SOMERVILLE OFFICE

TELEPHONE (201) 526-3300

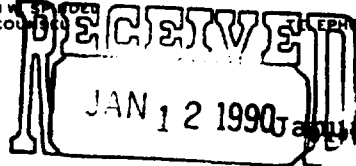
ALAN V. LOWENSTEIN
RICHARD M. SANDLER
BENEDICT M. KOHL
ARNOLD FISHER
JOSEPH LEVOW STEINBERG
MATTHEW P. BOYLAN
BRUCE D. SHOULSON
JOHN R. MACKAY 2ND
MARTIN R. GOODMAN
JOHN D. SCHUPPER
STEPHEN N. DERMER
MICHAEL L. RODBURG
ALLEN B. LEVITHAN
R. BARRY STIGER
GREGORY B. REILLY
PETER H. EHRENBERG

HOWARD S. DENBURG
STEVEN B. FUERST
THEODORE V. WELLS, JR.
MICHAEL DORE
GERALD KROVATIN
RICHARD D. WILKINSON
ALAN WOVSANIKER
KENNETH J. SLUTSKY
DAVID L. HARRIS
ZULIMA V. FARBER
WILLIAM P. MUNDAY
COLLEEN P. KELLY
DANIEL J. BARKIN
GEORGE J. MAZIN
JAMES STEWART
ROBERT L. KRAKOWER

LEE MILLES WERTHEIM
STUART S. YUSEM
KEVIN KOVACS
KEITH H. ANSBACHER
LAURA R. KUNTZ
ROBERT D. CHESLER
RICHARD F. RICCI
JOHN L. BERGER
LEE ANNE GRAYBEAL
PHYLLIS F. PASTERNAK
RICHARD NIEMIEC
MARY-LYNNE RICIGLIANO
LUCINDA P. LONG
STEPHEN H. SKOLLER
DAVID W. FIELD
MARY JO REICH
ANN P. OSTERDALE
MARTHA L. LESTER
LINDA PICKERING
CAROL A. SURGENS
MICHAEL O'B. SOLT
BETH ANN WILANSKY
MICHAELA PROKOP
BONNIE K. LEVITT
MICHAEL D. SCOTT
ROCHELLE B. GALIBER
SOLOM L. KANDEL
PAUL C. PAWLOWSKI

DENNIS F. GLEASON
ANTHONY J. REITANO, JR.
HOWARD A. TEICHMAN
ROBERT G. MINION
MATTHEW J. BRENNAN
KAREN GAYNOR KILLEEN
DEBBIE KRAMER GREGG
H. ANNE CONLEY-PITCHELL
JEFFREY J. WILD
LEON S. SEGEN
TERRY E. THORNTON
ALEXANDER J. KOVACS
THOMAS G. GRIGGS
CONSTANCE J. ALEXANDER
MARIA A. DANTAS
ARTHUR H. SAIEWITZ
DAVID S. WOLIN
DOLORES M. BLACKBURN
WALTER A. EFFROSS
GEORGIA A. McMILLEN
MARC B. KRAMER
GARY M. WINGENS
STEVEN G. WINTERS
CHRISTINE A. RANIERI
JAYNE A. PRITCHARD
MIRIAM KAHAN BRODY
GWEN J. LOURIE
*N.Y. BAR ONLY

RICHARD P. BOEHMER
NORMAN V. STANLEY
OF COUNSEL



BY P. T.

James L. Morgan, Esq.
Assistant Attorney General
Environmental Control Division
Office of Attorney General
State of Illinois
Springfield, Illinois 62706

Re: Sauget Sites

Dear Mr. Morgan:

In response to your request, this letter is intended to provide some additional information to you concerning potentially responsible party ("prp") identification.

With respect to Area I, we ourselves have not commissioned a title search of all of the parcels within the described boundaries of the sites comprising Area I. The best source of "title" information remains the original Ecology & Environment study, and the designation of site ownership noted therein.

Attachment 1 to this letter is a series of aerial map reproductions from a background study that Cerro commissioned in 1987 showing the transition of use of Area I

011090ATYMLR263

S180

January 10, 1990

from 1937 to 1968. Extensive landfilling activities are reasonably obvious from the photos.

Attachment 2 is also an aerial map reproduction taken shortly after Cerro's acquisition (1967) of approximately 8.5 acres of land from Leo Sauget, comprising the single largest parcel within Area I. Included within attachment 2 is a plan sketch labeling the 1967 acquisition, a 1969 acquisition of .175 acres from the Village, and a 1955 acquisition of 7.4 acres. In addition there is reference to a purchase from the Alton & Southern Railway Co. in 1970 of .65 acres. Also part of attachment 2 is a copy of the quit claim deed from Alton & Southern Railway Co. to Cerro in connection with the 1970 purchase.

Attachment 3 shows the triangular property at the northeast end of Area I, which was purchased in 1967 and 1968 from Lillie Mifflin and Harold Waggoner, respectively. Mrs. Mifflin occupied a small residence and Mr. Waggoner operated a tank truck maintenance facility. The 1955-1968 aerial photographs in attachment 1 show these buildings.

Attachment 4 pertains to site "G". The attachment includes a copy of a Warranty Deed granting a three-quarter acre tract of land separated from the Lewin-Mathes Company property (now Cerro) by a newly constructed Midwest Avenue (now Queenie Avenue) which land was also deeded to the Village of Monsanto (now Village of Sauget) at the time. Also include within attachment 4 are excerpts of the Village ordinance conveying the land back to Cerro Corporation by quit claim deed, and a copy of the deed.

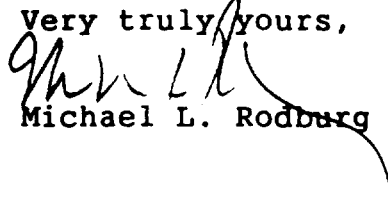
Attachment 5 lists users of the Sauget primary sewerage treatment plant during the years prior to the installation of the physical/chemical system in the mid-1970's. Given the configuration of sewers in the Sauget area, there was potential for any flow entering the Village sewer system to back up into Dead Creek Segment A, and accordingly wastewaters containing hazardous substances from any or all of the companies listed in attachment 5 could have contributed to contamination in Dead Creek Segment A.

James L. Morgan, Esq.
Page 3

January 10, 1990

I trust this information will be helpful to you.
We will feel free to supplement this information from time
to time as matters develop.

Very truly yours,


Michael L. Rodburg

MLR:vl

Encl.

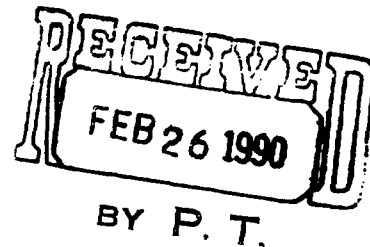
cc: Paul Tandler
Robert Webb
Henry Schwiech
Ray Avendt
Jim Patterson



217/782-6760

L1630200005 -- St. Clair County
Sauget Sites (Area I) - Sauget
Superfund/General Correspondence

February 22, 1990



Paul Tandler, Vice President
Cerro Copper Products Co.
Post Office Box 66800
St. Louis, Missouri 63166-6800

Dear Mr. Tandler:

The Illinois Environmental Protection Agency in conjunction with the Illinois Attorney General's Office will be holding a meeting for Area I PRPs on March 22, 1990 at the Executive Conference Room #1 at the Holiday Inn Hotel - Collinsville. The meeting will begin at 1:00 p.m.

As we had discussed in our earlier meeting, the State is interested in the progress your group has had in producing an RI/FS in Area I. Our original meeting date of January 4, 1990 was postponed to allow your PRP group more time to negotiate on the RI/FS.

If you have any questions regarding the objectives or the content of this meeting, please do not hesitate to contact me at the above number. Thank you for your cooperation.

Sincerely,

Paul E. Takacs, Project Manager
Federal Site Management Unit
Remedial Project Management Section
Division of Land Pollution Control

PT:dls/0702n/0706n

cc: Division File

2/26/90

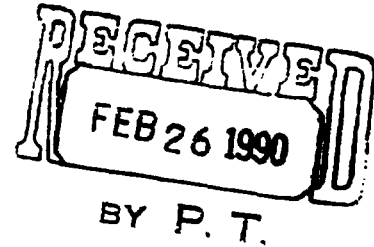
cc H.L. JENNIFER
J.M. GRANA
M.L. ROBBINS
R. BROWN
J. PATTERSON



217/782-6760

L1630200005 -- St. Clair County
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Federal Site Management Unit
Remedial Project Management Section
Division of Land Pollution Control

PT:dls/0702n/0706n

cc: Division File

2/26/90

cc H.L. Schmitt
J.M. GAMA
M.L. ROBBINS
R. Brown
J. Patterson

S175

PRP List Area I

Cerro Copper Products Co.
P.O. Box 66800
St. Louis, Missouri 63166-6800

Midwest Rubber Reclaiming Co.
3101 Mississippi Avenue
Sauget, Illinois 62206

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Missouri 63167

Wiese Planning and Engineering, Inc.
1200 Queeny Avenue
Sauget, Illinois 62206

Horace Drake
Plant Mgr.
(618) 337-6400

RECEIVED

MAR 6 1990

LOWENSTEIN, SANDLER, KOHL,
FISHER & BOYLAN, P.A.

Terry Wittenberg, Esq.
Greensfelder, Hempker
St. Louis

S176

CERRO COPPER PRODUCTS CO.

OTHER ADDRESSEES - FOR INFORMATION

J. Grana-
File

INTERNAL MEMORANDUM

HQ-10 SHOW NAME, TITLE AND UNIT OF ADDRESSEE AND ADDRESSOR

TO: H. L. Schweich

DATE: February 27, 1990

FROM: Paul Tandler

CONFIDENTIAL

SUBJECT: IEPA NOTICE FOR MARCH 22 and 23 PRP MEETINGS -
CALL FROM JAY STEWART

We faxed and mailed copies of the Area I and II notices for meetings in March to Mike Rodburg as discussed with you briefly on Monday, February 26.

This morning Jay Stewart called to acknowledge receipt of the transmittal, and to advise that Mike would not be able to be present for the meetings on March 22 and 23. Jay plans to attend.

He and I discussed the desirability of having a preliminary meeting of the named PRP's prior to the IEPA meetings, and agreed to the need for such meetings. To this end he will contact Paul Takacs to obtain copies of the distribution list of the notices.

I suggested to him that the Village of Sauget and Monsanto, respectively, should handle any pre-meetings of Area II PRP's, and that Cerro may not be prepared as yet to act as spokesman for Area I as a whole. He agreed.

He will contact us further this Thursday (March 1) to discuss strategy. I am sure we will want to have Mike's input and concurrence before deciding our approach.



A handwritten signature, likely of Paul Tandler, is written over a horizontal line.

PT/ge

S179

CERRO COPPER PRODUCTS CO.

OTHER ADDRESSEES - FOR INFORMATION

J. Grana
File

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PT/ge

3/5 Telecon w/ H.L. + M.R.:

- 1.) No Pre-meetings Necessary. Will have Conference Call re Areas I + II on 3/14.
- 2.) P.T. to Attend 3/9 Meeting on Site "O", Area I. No Rodan's Commitments, Beyond 4%.

P.T.

S173

Monsanto

LAW DEPARTMENT

Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167
Phone: (314) 694-1000

March 15, 1990

RECEIVED

MAR 16 1990

LOWENSTEIN, SANDLER, KOHL,
FISHER & BOYLAN, P.A.

James Stewart, Esq.
Lowenstein, Sandler, Kohl,
Fisher & Boylan
65 Livingston Avenue
Roseland, New Jersey 07068

Re: Dead Creek Site
Sauget, Illinois Site No. 60
EPA Demand for Costs Dated December 27, 1989

Dear Mr. Stewart:

The attached letter was received from Elizabeth Doyle, Assistant Regional Counsel, U.S. EPA, Region 5, in this afternoon's mail. The letter is in response to my letter to Doyle dated January 22, 1990, which was sent to you via facsimile earlier today. I will attempt to contact counsel for the other two companies that were listed as recipients of the EPA demand for costs letter (Midwest Rubber Reclaiming and Ruan Transportation). If you are aware of who counsel for these companies may be, feel free to send them a copy of the Doyle letter.

We can discuss this letter when we meet in Collinsville next week. If you have any questions concerning the above, please call me at (314) 694-6032.

Sincerely,

N. Cornell Boggs, III

N. Cornell Boggs, III
Environmental Attorney



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

MAR 15 1990

REPLY TO THE ATTENTION OF:

March 7, 1990

N. Cornell Boggs, III
Environmental Attorney
Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167

Re: Dead Creek Site No. 60

Dear Mr. Boggs:

This is in response to your letter of January 22, 1990, in which you requested additional information regarding Dead Creek Site No. 60 (the site).

Dead Creek Site No. 60, also known as Creek Segment B, is bordered by Judith Lane on the south and Queeny Avenue to the north in Sauget, Illinois. In 1982, the United States Environmental Protection Agency (U.S. EPA) contracted with a local fence contractor to install a chain link fence around this portion of the Dead Creek. Attached is a computerized summary of U.S. EPA's costs in connection with the site. Monsanto was named as a PRP because its hazardous waste producing facility is upstream of the site and Monsanto is known to have discharged process wastes into the creek prior to 1970.

This information should address the concerns expressed in your January 22, 1990, letter. As we discussed during our phone conversation, it is in both our best interests to resolve this matter expeditiously; however, if U.S. EPA does not receive payment of its demand within thirty (30) days, we will seriously consider initiating litigation in this matter. Should you have any questions regarding this site, please do not hesitate to contact me at (312) 886-7951.

Very truly yours

Elizabeth Doyle
Assistant Regional Counsel

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: December 18th, 1989

SUBJECT: Superfund Site No. 60
Dead Creek, IL
Annotated Spur Request

FROM: Richard D. Hackley, Team Leader *R. Hackley*
Management Support Unit
Superfund Accounting Section

THROUGH: Anthony Audia, Chief */s/ Anthony Audia, Chief*
Superfund Accounting Section
Financial Management Branch *Superfund Accounting Section*

TO: Lynn Peterson, Acting Chief
Solid Waste & Emergency Response Branch

Tom Marks
Regional Cost Recovery Coordinator
Superfund Program Management Branch

The attached Cumulative Cost Summary outlines all of the cumulative cost expenditures in the Integrated Financial Management System for the Dead Creek, IL site.

Also attached are computer reports which list all the obligations and disbursements in the Integrated Financial Management System. One report shows all the hours charged to the site by Region V and Headquarters' personnel, and the salary costs associated with those hours.

We have computed and included for your information Region V's indirect costs. Based on adjustments recommended by the office of inspector General's Superfund audit for Fiscal Years 83 through 87, final indirect cost rates will be \$71.00 (FY83) \$61.00 (FY84), \$53.00 (FY85), \$51.00 (FY86), and \$53.00 (FY87), respectively. FY88, FY89, and FY90 will also be computed at the \$53.00 rate until a final audit for those years is completed and a indirect cost recommendation has been made. The computation is included on an additional cumulative payroll report.

The third report lists all of the non-payroll and indirect cost expenses related to the site, i.e., travel, shipping purchases, state assistance agreement, Interagency Agreement and contractor costs. We have also attached a listing that gives definitions of the various object class codes that may appear on the reports.

If you have any questions or require any additional assistance, please contact Richard Hackley at 3-8838.

Attachments

OBJECT CLASS LIST

OBJECT CLASS	DEFINITION
21.11	Per Diem & Subsistence while on Travel.
21.13	Common Carrier.
21.14	Privately Owned Vehicle.
21.15	Commercial Rental Vehicle.
21.17	Incidental Costs.
22.09	Other Transportation - Other expenses such as parcel post, contractual charges for the transportation and care to things.
	Management & Support Contracts - Contracts for management Support, or administrative requirements not otherwise classified.
25.35	Program Contracts - Planned dollars for contracts which support program operations. Included in this category are contracts for monitoring, for surveillance and analysis, for Regional laboratory analysis and analysis of programs.
25.70	Interagency Agreements - Contracts and agreements with other Government Agencies.
25.76	Site Supervision & Development Interagency Agreements - Agreements for the purpose of construction monitoring, investigating, studying and cleaning up hazardous waste sites or emergency response on spills.
31.06	Protective Equipment and Clothing - Personal.
31.80	Other Equipment valued at more than \$500.
31.90	Other Equipment valued at less than \$500.
41.83	Investigations, Surveys, or Studies Awards to governmental or non-governmental or individuals for investigations, surveys, or studies of solid waste pollution.
41.85	Superfund Remedial Planning & Implementation Awards to organization or individuals for remedial planning or disposal for hazardous materials.

**CUMULATIVE COST SUMMARY
DEAD CREEK, IL
SUPERFUND SITE # 60
PREPARED 12/11/89**

EPA EXPENDITURES	Cumulative Costs Through October 31, 1989
EPA PAYROLL --	
-- Headquarters	\$ 0.00
-- Regional	6,624.80
INDIRECT COST --	
	4,640.10
EPA TRAVEL --	
-- Headquarters	0.00
-- Regional	1,381.49
FIELD INVESTIGATION TEAM CONTRACT--	
--ECOLOGY AND ENVIRONMENT (68-01-6056)	5,773.12
OTHER EXPENDITURES--	
WDM OFFICE SUPPLIES (58589GGBX)	110.00
--OSC LET CONTRACT(68-01-6620)	30,845.00
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--OSC LET CONTRACT(68-85-0152)	<u>200.00</u>
TOTAL EPA COSTS BEFORE INTEREST	\$ 49,974.51
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TOTAL EPA COSTS FOR DEAD CREEK	\$ 49,974.51
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Please Note: National Contract Laboratory program costs, if incurred, may be significantly understated. These costs do not include any lab costs that may have been billed to EPA prior to FY 1986 and no estimate of the CLP Sample Management Cost (ranges from 6.1 % to 17% of Analytical costs) is provided. A complete accounting of Contract Laboratory Costs is normally provided by VIAR

COST SUMMARY DATE: 11/17/89
DEAD CREEK, IL (SSID = 5 60)

Page 1

Prepared: / /

Cost Data Through Pay Period 3 Of FY 90 Ending 11/17/89

EPA PAYROLL — HEADQUARTERS

DOCUMENTATION: Copies of Applicable Timecards/Timesheets

<u>EMPLOYEE NAME</u>	<u>FISCAL YEAR/ PAY PERIOD</u>	<u>HOURS</u>	<u>AMOUNT (\$)</u>
TOTAL EPA HEADQUARTERS PAYROLL:		<u>0.00</u>	<u>0.00</u>

U.S. EPA REGION V PERSONNEL COST - CUMULATIVE SUMMARY
 HAZARDOUS SUBSTANCE RESPONSE SITE # 5 60
 DEAD CREEK IL
 THROUGH PAY PERIOD 03 OF FISCAL YEAR 1990 ENDING 11/17/89

EMPLOYEE NAME	FISCAL YEAR	PAY PERIOD	OFFICE CODE	PAYROLL HOURS	PAYROLL AMOUNT
BURNETT, YVETTE M.	87	14	L	2.00	16.70
				2.00	16.70
DAGGETT, THOMAS W.	82	21	G	4.00	63.60
	82	22	G	10.00	158.99
	82	23	G	1.00	15.89
	82	24	G	2.00	31.80
	82	25	G	1.00	15.89
	82	26	G	1.00	15.90
	83	02	B	2.00	33.02
	83	11	B	1.00	18.75
	84	13	B	1.00	20.02
	86	05	B	4.50	109.26
	86	06	B	4.00	97.12
	86	07	B	1.00	24.59
	86	08	B	4.00	98.13
				36.50	702.96
DOYLE, ELIZABETH	89	27	B	2.00	39.98
	90	01	B	2.00	39.98
	90	02	B	2.50	51.15
	90	03	B	6.50	132.97
				13.00	264.08
ELAM, MICHAEL H.	82	26	G	0.00	0.00
				0.00	0.00
FENNER, KENNETH A.	82	16	F	7.00	179.86
	82	17	F	8.00	205.55
	82	18	F	1.00	25.70
	82	19	F	3.00	77.08
				19.00	488.19
HOLOSKA, ANTHONY H.	82	21	F	1.00	17.49
	82	22	F	6.00	89.64
				7.00	107.13
MINTZ, THOMAS PATRICK	89	07	B	1.50	25.67
	89	12	B	1.00	17.81

U.S. EPA REGION V PERSONNEL COST - CUMULATIVE SUMMARY
 HAZARDOUS SUBSTANCE RESPONSE SITE # 5 60
 DEAD CREEK IL
 THROUGH PAY PERIOD 03 OF FISCAL YEAR 1990 ENDING 11/17/89

EMPLOYEE NAME	FISCAL YEAR	PAY PERIOD	OFFICE CODE	PAYROLL HOURS	PAYROLL AMOUNT
MINTZ, THOMAS PATRICK	89	14	B	0.70	13.36
	89	15	B	1.70	31.18
	89	18	B	1.00	17.81
				5.90	105.83
O'TOOLE, MICHAEL C.	82	16	F	14.00	192.34
	82	17	F	6.00	82.43
	82	18	F	14.00	192.34
	82	19	F	16.00	219.82
	82	20	F	25.00	343.47
	82	22	F	23.00	315.99
	82	23	F	45.00	618.24
	82	24	F	60.00	835.76
	82	25	F	22.00	302.25
	82	26	F	15.00	206.08
	82	27	F	18.00	248.40
	83	02	F	28.00	384.69
	83	03	F	19.00	271.41
	83	04	F	6.00	88.28
	83	07	F	3.00	46.83
	83	11	F	2.00	31.60
	84	26	F	1.00	16.90
	85	03	F	1.00	16.90
	85	04	F	0.50	8.71
				318.50	4422.44
REED, ROBERT EARL	87	18	B	24.00	194.01
				24.00	194.01
ROSS, MELVIN JR.	85	05	B	9.00	66.51
				9.00	66.51
SMITH, ARTHUR E. JR.	82	19	G	4.00	74.63
	82	22	G	1.00	18.66
				5.00	93.29
SUMMERHAYS, JOHN E.	87	13	L	1.00	20.52
	87	14	L	4.20	86.25
				5.20	106.77

12/06/89

PAGE 3

U.S. EPA REGION V PERSONNEL COST - CUMULATIVE SUMMARY
HAZARDOUS SUBSTANCE RESPONSE SITE # 5 60
DEAD CREEK IL
THROUGH PAY PERIOD 03 OF FISCAL YEAR 1990 ENDING 11/17/89

EMPLOYEE NAME	FISCAL YEAR	PAY PERIOD	OFFICE CODE	PAYROLL HOURS	PAYROLL AMOUNT
THOMAS, MARK DANIEL	89	12	B	3.00	37.93
	89	13	B	1.00	12.65
	89	14	B	0.50	6.31
				4.50	56.89
				449.60	6624.80

US EPA REGION V INDIRECT COST (IDC) ALLOCATION - CUMULATIVE SUMMARY
HAZARDOUS SUBSTANCE RESPONSE SITE # 5 60
DEAD CREEK IL
THROUGH PAY PERIOD 3 OF FISCAL YEAR 1990

<u>ACCOUNTING PERIOD</u>	<u>FISCAL YEAR</u>	<u>PAYROLL HOURS</u>	<u>INDIRECT RATE</u>	<u>INDIRECT COSTS</u>
FISCAL YEAR	83	58.00	71.00	4118.00
FISCAL YEAR	84	1.00	61.00	61.00
FISCAL YEAR	85	1.50	53.00	79.50
FISCAL YEAR	87	7.20	53.00	381.60
TOTAL :		67.70		4640.10

US EPA REGION V INDIRECT COST (IDC) ALLOCATION - CUMULATIVE SUMMARY
 HAZARDOUS SUBSTANCE RESPONSE SITE # 5 60
 DEAD CREEK IL
 THROUGH PAY PERIOD 3 OF FISCAL YEAR 1990

EMPLOYEE NAME	FISCAL YEAR	OFFICE CODE	PAY PERIOD	PAYROLL HOURS	INDIRECT RATES	INDIRECT COSTS
O'TOOLE, MICHAEL C.	83	F	02	28.00	71.00	1988.00
		F	03	19.00	71.00	1349.00
		F	04	6.00	71.00	426.00
		F	07	3.00	71.00	213.00
		F	11	2.00	71.00	142.00
O'TOOLE, MICHAEL C.				58.00		4118.00
TOTAL PER FISCAL YEAR	83			58.00		4118.00
O'TOOLE, MICHAEL C.	84	F	26	1.00	61.00	61.00
TOTAL PER FISCAL YEAR	84			1.00		61.00
O'TOOLE, MICHAEL C.	85	F	03	1.00	53.00	53.00
		F	04	0.50	53.00	26.50
O'TOOLE, MICHAEL C.				1.50		79.50
TOTAL PER FISCAL YEAR	85			1.50		79.50
BURNETT, YVETTE M.	87	L	14	2.00	53.00	106.00
SUMMERHAYS, JOHN E.	87	L	13	1.00	53.00	53.00
		L	14	4.20	53.00	222.60
SUMMERHAYS, JOHN E.				5.20		275.60
TOTAL PER FISCAL YEAR	87			7.20		381.60
				67.70		4640.10

COST SUMMARY DATE: 11/17/89
DEAD CREEK, IL (SSID = 5 60)
Prepared: / /
Cost Data Through 11/17/89

Page 1

EPA TRAVEL - HEADQUARTERS

DOCUMENTATION: Copies of Travel Authorizations, Travel Vouchers
and Treasury Schedules

<u>EMPLOYEE NAME</u>	<u>FISCAL YEAR</u>	<u>TRAVEL AUTHORIZATION NO.</u>	<u>AMOUNT</u>	<u>PAID TREASURY SCHEDULE NUMBER AND TRANSACTION DATE</u>
----------------------	------------------------	-------------------------------------	---------------	---

TOTAL EPA HEADQUARTERS TRAVEL \$ 0.00

COST SUMMARY DATE: 11/17/89
DEAD CREEK, IL (SSID = 5 60)
Prepared: / /
Cost Data Through 11/17/89

Page 1

EPA TRAVEL - REGIONAL

DOCUMENTATION: Copies of Travel Authorizations, Travel Vouchers
and Treasury Schedules

<u>EMPLOYEE NAME</u>	<u>FISCAL YEAR</u>	<u>TRAVEL AUTHORIZATION NO.</u>	<u>AMOUNT</u>	<u>PAID TREASURY SCHEDULE NUMBER AND TRANSACTION DATE</u>	
O'TOOLE, MICHAEL C.	82	0TRTS22999	110.00	T5033	07/27/82
		000TS22999	40.65	5A818	08/03/82
		0TRTS23199	110.00	T5036	08/18/82
		000TS23199	58.93	5A973	09/14/82
		0TRTS23310	110.00	T5036	08/18/82
		000TS23310	235.50	5A973	09/14/82
		0TRTS23419	110.00	T5038	09/21/82
		000TS23419	68.02	51012	09/15/82
		0TRTS23608	120.00	T5042	09/26/82
		000TS23608	56.28	51076	09/26/82
	83	0TRTS30315	104.00	T5009	12/04/82
		000TS30315	71.97	5A194	11/16/82
		0TRTS30004	117.00	T5002	11/04/82
		000TS30004	69.14	5A176	11/15/82
			SUBTOTAL \$	1381.49	
			TOTAL EPA REGIONAL TRAVEL \$	1381.49	

COST SUMMARY DATE: 11/17/89
DEAD CREEK, IL (SSID = 5 60)
Prepared: / /
Cost Data Through 11/17/89

Page 1

FIELD INVESTIGATION TEAM (FIT) CONTRACT

CONTRACTOR: ECOLOGY AND ENVIRONMENT

CONTRACT NO: 68-01-6056

PROJECT OFFICER:

DATES OF SERVICE: FROM: / / TO: / /

SUMMARY OF SERVICE:

TOTAL CONTRACTOR COST: \$ 5773.12

DOCUMENTATION: Copies of Applicable Paid Vouchers and Treasury Schedules

VOUCHER NUMBER -----	VOUCHER DATE -----	VOUCHER AMOUNT -----	TREASURY SCHEDULE NUMBER AND TRANSACTION DATE -----	SITE AMOUNT -----
	/ /	0.00	82118 07/23/88	5773.12

COST SUMMARY DATE: 12/06/89
DEAD CREEK, IL (SSID = 5 60)
Prepared: / /
Cost Data Through 11/17/89

Page 1

OTHER EXPENDITURES (OTH)

CONTRACTOR:

CONTRACT NO: 58589GGEX

PROJECT OFFICER:

DATES OF SERVICE: FROM: / / TO: / /

SUMMARY OF SERVICE:

TOTAL CONTRACTOR COST: \$ 110.00

DOCUMENTATION: Copies of Applicable Paid Vouchers and Treasury Schedules

<u>VOUCHER NUMBER</u>	<u>VOUCHER DATE</u>	<u>VOUCHER AMOUNT</u>	<u>TREASURY SCHEDULE NUMBER AND TRANSACTION DATE</u>	<u>SITE AMOUNT</u>
	/ /	0.00	5A668 03/03/83	110.00

COST SUMMARY DATE: 12/06/89
DEAD CREEK, IL (SSID = 5 60)
Prepared: / /
Cost Data Through 11/17/89

Page 1

OTHER EXPENDITURES (OTH)

CONTRACTOR:

CONTRACT NO: 68-01-6620

PROJECT OFFICER:

DATES OF SERVICE: FROM: / / TO: / /

SUMMARY OF SERVICE:

TOTAL CONTRACTOR COST: \$ 30485.00

DOCUMENTATION: Copies of Applicable Paid Vouchers and Treasury Schedules

<u>VOUCHER NUMBER</u>	<u>VOUCHER DATE</u>	<u>VOUCHER AMOUNT</u>	<u>TREASURY SCHEDULE NUMBER AND TRANSACTION DATE</u>	<u>SITE AMOUNT</u>
	/ /	0.00	07014 10/12/82	14755.00
	/ /	0.00	07141 11/26/82	14755.00
	/ /	0.00	07272 01/27/83	975.00

COST SUMMARY DATE: 12/06/89
DEAD CREEK, IL (SSID = 5 60)
Prepared: / /
Cost Data Through 11/17/89

Page 1

OTHER EXPENDITURES (OTH)

CONTRACTOR:

CONTRACT NO: 68-85-0152

PROJECT OFFICER:

DATES OF SERVICE: FROM: / / TO: / /

SUMMARY OF SERVICE:

TOTAL CONTRACTOR COST: \$ 200.00

DOCUMENTATION: Copies of Applicable Paid Vouchers and Treasury Schedules

<u>VOUCHER NUMBER</u>	<u>VOUCHER DATE</u>	<u>VOUCHER AMOUNT</u>	<u>TREASURY SCHEDULE NUMBER AND TRANSACTION DATE</u>	<u>SITE AMOUNT</u>
	/ /	0.00	07650 08/27/82	200.00

COST SUMMARY DATE: 12/06/89
DEAD CREEK, IL (SSID = 5 60)
Prepared: / /
Cost Data Through 11/17/89

Page 1

OTHER EXPENDITURES (OTH)

CONTRACTOR:

CONTRACT NO: 68-85-0151

PROJECT OFFICER:

DATES OF SERVICE: FROM: / / TO: / /

SUMMARY OF SERVICE:

TOTAL CONTRACTOR COST: \$ 400.00

DOCUMENTATION: Copies of Applicable Paid Vouchers and Treasury Schedules

<u>VOUCHER NUMBER</u>	<u>VOUCHER DATE</u>	<u>VOUCHER AMOUNT</u>	<u>TREASURY SCHEDULE NUMBER AND TRANSACTION DATE</u>	<u>SITE AMOUNT</u>
	/ /	0.00	07647 08/25/82	400.00



CERRO COPPER PRODUCTS CO.
P.O. Box 66200
St. Louis, MO 63166-6800
618/337-6000

FAX: (618) 337-7273

FACSIMILE TRANSMISSION COVER SHEET

DATE: 3-28-90

TIME: 11:15 AM

TO: Jay Stewart

FROM: Pam Tansler

FAX NO.: _____

NUMBER PAGES
INCLUDING
COVER SHEET: 4

MESSAGE (if any):

PLEASE CALL (618) 337-6000 - EXT. 209 IF THERE ARE
ANY PROBLEMS WITH THIS TRANSMISSION.

333

333 A member of The Marmco Group of companies

S126

THIS INDENTURE WITNESSETH, THAT THE GRANTORS
HAROLD WAGGONER, a widower,

BOOK 2126 PAGE 4

FILED FOR RECORD
IN THE RECORDER'S OFFICE

1968 JUN 13 PM 3:11
BOOK 2126 PAGE 4
RECORDED

of the City of Collinsville, County of Madison,
and State of Illinois, for and in consideration of the sum of
Ten and no/100 - - - - - DOLLARS,
and other good and valuable consideration
in hand paid, Convey S and Warrant S to

CERRO CORPORATION, a New York corporation,

of the Village of Sauget, County of St. Clair and State of Illinois
the following described Real Estate, to-wit:

Lots 1, 2 and 3 in Block No. 1 of "SUBDIVISION OF PART OF LOTS 125F

AND ALL OF LOT 125G OF THE SUBD. OF PART OF LOT 125 OF THE COMMONFIELDS OF CANOKIA,
ST. CLAIR CO. ILL."; reference being had to the plat thereof recorded in the
Recorder's Office of St. Clair County, Illinois, in Book of Plats 29 on Page 47;

FLIP 20C
553

ST. CLAIR
CO. NO. 082

007356



STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX
JUN 13 1968
DEPT. OF REVENUE

situated in the County of St. Clair, in the State of Illinois; hereby releasing and waiving all rights under and by virtue of the Homestead Exemption laws of this State

Dated this 13th day of June, A. D. 1968

(SEAL)

(Harold Waggoner)

(SEAL)

STATE OF ILLINOIS
County of St. Clair

I, the undersigned, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY
HAROLD WAGGONER, a widower,



personally known to me to be the same person, whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed, delivered the said instrument as his free and voluntary act, for the purposes therein set forth, including the release and waiver of the right of homestead.

GIVEN under my hand and notarial seal, this 13th day of June, A. D. 1968

Marie Osborn
Notary Public

S127

LILLIE HIFFLIN, widow of George

BOOK 2071 PAGE 149

FILED FOR RECORD
IN THE RECORDER'S OFFICE

Roscoe Hifflin, deceased, and not since remarried,

1967 JUL -5 PM 1:1

BOOK 2071 PAGE 1

RECORDED

of the City of East St. Louis County of St. Clair

and State of Illinois for and in consideration of the sum of

One Dollar (\$1.00) and other good and valuable considerations

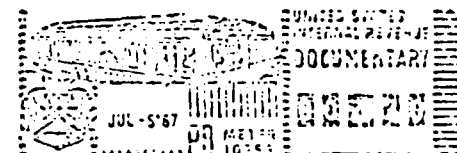
In hand paid, Convey and Warrant to

CERRO CORPORATION, a corporation organized and existing und
and by virtue of the laws of the State of New York, and au
licensed to do business in the State of Illinois,of the County of St. Clair and State of Illinois
the following described Real Estate, to-wit:

10-C
 553

Lots Numbered Four (4), Five (5) and Six (6) in Block Numbered
 One (1) of the "SUBDIVISION OF PART OF LOTS 125-F AND ALL OF LOT 125-F
 OF THE SUBD. OF PART OF LOT 125 OF THE COMMONFIELDS OF CAHOKIA, ST.
 CLAIR CO. ILL."; reference being had to the plat thereof recorded in
 the Recorder's Office of St. Clair County, Illinois, in Book of Plats
 "29" on page 47;

013242

situated in the County of St. Clair, in the State
Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption laws of this State.Grantee herein hereby assumes and agrees to pay the general taxes
for the year 1967 and thereafter.

Dated this 31st day of July, A. D. 1967

(SEAL)

Lillie Hifflin

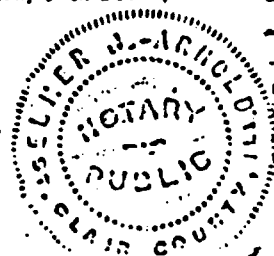
(SEAL)

(SEAL)

(SEAL)

STATE OF ILLINOIS

County of St. Clair

I, the undersigned, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY THAT
Lillie Hifflin, widow of George Roscoe Hifflin,
deceased, and not since remarried,personally known to me to be the same person whose name is subscribed to the foregoing
instrument, appeared before me this day in person, and acknowledged that she signed, sealed and
delivered the said instrument as her free and voluntary act and deed for the purposes therein set forth, including the release and waiver of the right of homestead.

GIVEN under my hand and notarial seal, this 31st day of July

S128

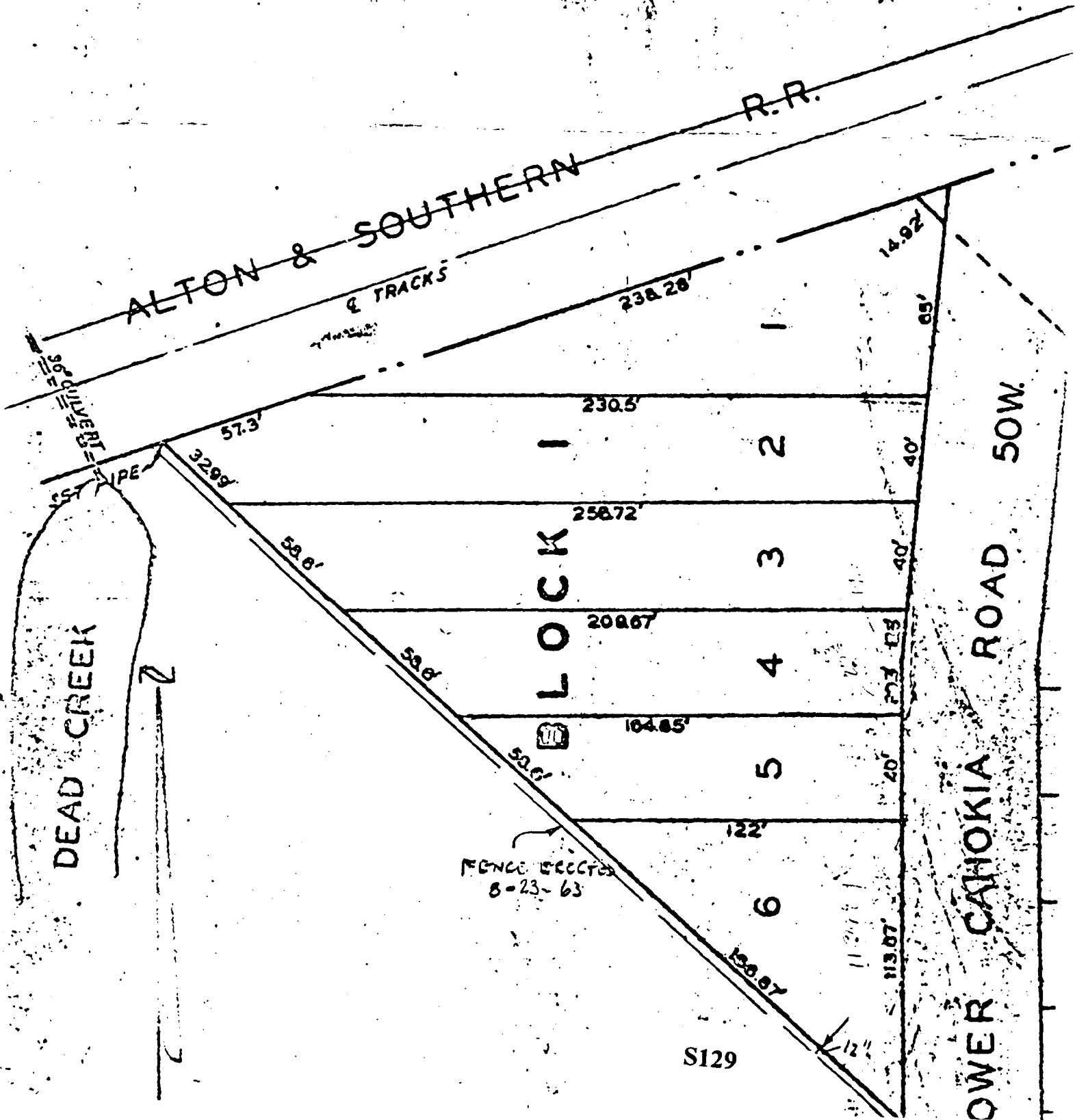
ADDRESS OF PROPERTY

PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
 SUBDIVISION OF
 PART OF LOT 125F & ALL OF LOT 125G OF
 THE SUBDIVISION OF PART OF LOT 125 OF
 THE COMMONFIELDS OF CAHOKIA
 VILLAGE OF MONSANTO, ST. CLAIR COUNTY, ILLINOIS

RICHARD E. WEINEL I.L. 9
 9800 MARK TRAIL
 EAST ST. LOUIS, ILLINOIS

SCALE: 1"=50'

MAR. 30, 1962



THIS INDENTURE WITNESSETH, THAT THE GRANTORS
HAROLD WAGGONER, a widower,

BOOK 2126 PAGE 4

FILED FOR RECORD
IN THE RECORDER'S OFFICE

1960 JUN 13 PM 3
BOOK 2126 PAGE
RECORDED

of the City of Collinsville, County of Madison,
and State of Illinois, for and in consideration of the sum of
Ten and no/100 - - - - - DOLLARS,
and other good and valuable consideration
in hand paid, Convey S and Warrant S to

CERRO CORPORATION, a New York corporation,

of the Village of Sauget, County of St. Clair and State of Illinoi
the following described Real Estate, to-wit:

Lots 1, 2 and 3 in Block No. 1 of "SUBDIVISION OF PART OF LOTS 125F
AND ALL OF LOT 125G OF THE SUBD. OF PART OF LOT 125 OF THE COMMONFIELDS OF CANOKI
ST. CLAIR CO. ILL."; reference being had to the plat thereof recorded in the
Recorder's Office of St. Clair County, Illinois, in Book of Plats 29 on Page 47;

APR 20C
553

ST. CLAIR
CO. NO. 082
007356

STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX
JUN 13 1960
DEPT. OF REVENUE
PD. 10561

situated in the _____ County of St. Clair, in the State of
Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption laws of this State

Dated this 13th day of June, A. D. 1960

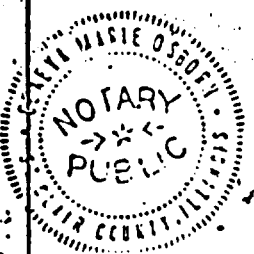
(SEAL)

(Harold Waggoner)

(SEAL)

STATE OF ILLINOIS
County of St. Clair

I, the undersigned, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY
HAROLD WAGGONER, a widower,



personally known to me to be the same person whose name is subscribed to the
instrument, appeared before me this day in person, and acknowledged that he signed, and
delivered the said instrument as his free and voluntary act, for the
purposes therein set forth, including the release and waiver of the right of homestead.

GIVEN under my hand and notarial seal, this 13th day of June, A. D. 1960

Marie Osborn
Notary Public

S130

LILLIE MIFFLIN, widow of George

BOOK 2071 PAGE 149

FILED FOR RECORD
IN THE RECORDER'S OFFICE

Roscoe Mifflin, deceased, and not since remarried,

1967 JUL -5 PM 1:1

BOOK 2071 PAGE 1

RECORDED

of the City of East St. Louis County of St. Clair

and State of Illinois for and in consideration of the sum of

One Dollar (\$1.00) and other good and valuable considerations

in hand paid, Convey and Warrant to

CERRO CORPORATION, a corporation organized and existing und
and by virtue of the laws of the State of New York, and du
licensed to do business in the State of Illinois,

of the County of St. Clair and State of Illinois

the following described Real Estate, to-wit:

Lots Numbered Four (4), Five (5) and Six (6) in Block Numbered
One (1) of the "SUBDIVISION OF PART OF LOTS 125-F AND ALL OF LOT 125
OF THE SUBD. OF PART OF LOT 125 OF THE COMMONFIELDS OF CAHOKIA, ST.
CLAIR CO. ILL."; reference being had to the plat thereof recorded in
the Recorder's Office of St. Clair County, Illinois, in Book of Plats
"29" on page 47;

2-C
553

8

[Handwritten signature]

013242

JUL -5 67

DOCUMENTARY

situated in the County of St. Clair, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption laws of this State.

Grantee herein hereby assumes and agrees to pay the general taxes for the year 1967 and thereafter.

Dated this 31st day of July A. D. 1967

(SEAL) *Lillie Mifflin* (SEAL)

STATE OF ILLINOIS)
County of St. Clair) ss. I, the undersigned, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY THAT
Lillie Mifflin, widow of George Roscoe Mifflin,
deceased, and not since remarried,



personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary purposes therein set forth, including the release and waiver of the right of homestead.

GIVEN under my hand and notarial seal, this 31st day of July

S131

ADDRESS OF PROPERTY

Name

Thomas W. Smith

KEN MENGING

Jim Morgan

PAUL LARACS

Terry Ayers

Bruce Carlson

Christine Zeman

DICK KESSEK

DAN HAYES

WALTER SWIESEN

MICHAEL RODDERS

J. W. POTTENSON

PAUL TOWNSEN

RAY AUGUST

JOE GRANA

S. A. SILVERSTEIN

RICHARD O'BURKE

RICHARD WATERS

Julie Emerich

MARA MCGINNIS

ROY LUSSEN

AL McMAHON

MAX McCOMBS

HORACE J. DRAKE

DANIEL D. ANDERSON

CORNELL BAGG

STEPHEN KACHTMA

WILL VARNADO

INEZ MARLEY

MARION Z. SMALL

PETER KEMPNER

Affiliation

IEPA / ROS

IEPA - COLLINSVILLE

IAG - Springfield

IEPA

IEPA

IEPA

AGO Spfld

GCAD - Village of Savage

Atty - Village of Savage

Swensen & Associates, Inc.

Atty - Cerro Copper

Patterson Scheler, Inc.

Cerro Copper

AUGUST GROUP INC.

Cerro Copper

CAUSCANT

EAGLE MARINE INDUSTRIES

ATSD & D - Eagle Marine Ind.

Atty - Eagle Marine Ind.

IEPA

Freeing Steel Fdy 100

Peter Martin for Sterling Steel

Mon Santo

Midwest Rubber

Attorney for Midwest Rubber

Mon Santo

Mon Santo

Mon Santo

MOUSANTO

Mon Santo

Ames Zinc Co.

5-31-90 Area I PRP = IEPA Meeting

Carlson opened meeting by stating purpose:
= ~~we~~ wants to know status of a
PRP proposal.

Stephan Krchma (Monsanto) said that
Monsanto has been working on Area II - Site C.
Also Monsanto has questions on why IEPA
did not use all the names they gave
them as PRP's.

- Bruce Carlson said that they notified all
PRP's they could find. He said some
on the list were dead.
- Doris Tolbird's attorney said that she
bought her land from Reger Cartage in
1959 and did not have any knowledge
of waste activity nor did she generate
any waste. He said they felt that they
should not be here in the first place.
- Harold Wiese said basically the same thing.
- Reger Cartage said they do not own any of
the land in Area I now.

Carlson said that the attorneys for
Tollind should check the statutes for
innocent landowners.

Carlson wants Areas I & II to move
along the same timeline. 'IEPA thinks
there are some sites which need immediate
attention. Carlson said that CS-B and
Site 2 pose an immediate health hazard
and the other sites are more of a long
term problem.

Gate wants Area I work to move ahead
now. Max McComb stated that part of
the problem was some miscommunication
between the PRP's. He said that Monsanto
thought that Cerro was going to take the
lead. Nancy Martin (Cerro) said that
as far as she knew, Cerro did not commit
to that, Cerro is only interested in taking
the lead on the sites owned by us,
Site I & DC-A.

Morgan said EPA does not want to
see the sites broken up unless RI/FSS
~~work~~ are done at the same time.

Then Terry Ayers said that as of July 1 1990 the state will begin RI/FS's with or without PRP's. It would be state funded. He thought CS-B and site G would be scheduled for clean-up 1st and the state could use it's mobile incinerator. Ayers said that by fall Area I would be on the NPL and then federal money would be available.

Monranto again said they had questions about the # of PRP's. They asked if they could meet with IEPA. IEPA agreed.

The meeting is scheduled for Wednesday June 6, 1990 @ 10:00 in Springfield. The meeting will be to discuss adding more PRP's.

I asked if anyone can attend. Waver Smull said we are more than welcome and I should call him so we can carpool.

The meeting broke up at about 10:10 with PRP's ~~staying~~ staying on to talk.

PRP mtg

- Monsanto started off listing the options
- Do an Area I RI/FS
 - "separate sites" 's
 - Let the IEPA do the RI/FS then negotiate clean-up.

I reiterated Cerro's position that Cerro was only interested on taking the lead on the sites they own Site I & CS-A. ~~Even though~~ We own a small part of G. we only want to be a player and not leader.

A PRP meeting has been scheduled for June 12, 1990 in the morning. Max will try to get the Village Hall. He said that would work out good because there is a meeting scheduled in the afternoon on Site O.

After the meeting I ask Steve Krichma about the Site O meeting. He said that he hasn't been able to reach Rodberg. I told him Rodberg wanted to talk to him. He also said that Baker has some problems with the Site O agreement and his role. The Village wants Kissel & Baker to be co-council.

ATTENDANCE RECORD

DATE 5/31/90

SUBJECT: Sanget Sites - Area I

NAME	AFFILIATION	TELEPHONE
Bruce Carlson	EPA- Div. of Legal Counsel	217/782-5544
Jim Morgan	Illinois Attorney General	217-782-9030
PAUL TAKACS	EPA - PROJ MGR.	217 782 6760
Curtis Martin	Representing Doris Tolbird (PRP)	(618) 281-7111
Kenneth Kessler	Ruan Transport Corporation	(515) 245-2725
Max McCombs	Monsanto	(618) 482-6390
Warren L. Smith	Monsanto	(314) 694-1617
DORIS TOLBIRD	JAMES D. & DORIS TOLBIRD	618- 287 -8304
ALYN KONRAD	ROGERS CARTAGE	618-337-5555
DAVE KRAMP	ROBERS CARTAGE CO.	618 337-5555
Cornell Boggs	Monsanto	314 694-6032
Stephen KRECHMA	Monsanto	(314) 694-1278
Horace J. Drake	Midwest Rubber Reclaiming Div.	618-337-6400
Peter Strassner	Thompson & Mitchell - ENVIRONMENTAL GREENSFELDER HENKER & GALE - H. WIESE	314 231-7676 314-241-9090
WALTER L. WITTENBERG		
Joe GRANA	Cerro Copper Products	618-337-6000
Nancy Lake Martin	Louwenstein, Sandler for Cerro	(201)-992-8700
Terry G. Ayers	Illinois EPA	618 217-782-6760
		S109

S109

L 532-1003
PA 130 9/82

034-003



INTER-OFFICE CORRESPONDENCE

DATE July 3, 1990

TO Paul Tandler

FROM Ray Avendt *RA*

SUBJECT RI/FS Area I

Enclosed please find an estimate for a proposed RI/FS for the remaining Area I sites. I have identified the costs by area. We anticipate the total cost for this scope of work to be \$1,880,000. The laboratory and soil boring services should total \$853,000. These figures are based on initiation of the project no later than October 1, 1990 and an 18 month duration.

RJA/11

Attachments

cc: P. Tandler
J. Grana
M. Rodburg

REMEDIAL INVESTIGATION

TASK 1	DESC. CURRENT SITUATION	16500
TASK 2	PLANS AND MANAGEMENT	14000
TASK 3	SITE INVESTIGATION	55000
	FIELD SAMPLING & LAB ANALYSIS	205000
TASK 4	SITE INVESTIGATION ANALYSIS	24000
TASK 5	LAB AND BENCH SCALE STUDIES	6000
	LAB ANALYSIS	10000
TASK 6	REPORTS	18000
	SUBTOTAL RI	<hr/> 348500

FEASIBILITY STUDY

TASK 7	DESC. PROPOSED RESPONSE	14000
TASK 8	PRELIM. REMEDIAL TECHNOLOGIES	18000
TASK 9	DEVELOPMENT OF ALTERNATIVES	18000
TASK 10	INITIAL SCREENING OF ALTERNATIVES	13500
TASK 11	EVALUATION OF ALTERNATIVES	24000
TASK 12	PREL. FEASIBILITY STUDY REPORT	12000
TASK 13	FINAL REPORT	17000
TASK 14	ADDITIONAL REQUIREMENTS	10000
	SUBTOTAL FS	<hr/> 126500
	TOTAL RI/FS BY TASK	<hr/> 475000

SITE G	SITE H	SITE I	SITE L	TASK TOTAL
--------	--------	--------	--------	------------

12000	11500	16500	5000	61500
10000	9000	14000	4000	51000
17000	31000	52000	16000	171000
125000	190000	275000	15000	810000
12000	20000	28500	7000	91500
4000	6000	9000	2000	27000
8000	8000	12000	5000	43000
9000	12000	25000	3000	67000
<u>197000</u>	<u>287500</u>	<u>432000</u>	<u>57000</u>	<u>1322000</u>
6000	12000	22000	5000	59000
9000	12000	27000	3000	69000
9000	12000	28000	3000	70000
14000	13500	30000	4000	75000
14000	18000	40000	3000	99000
9000	15000	26000	3000	65000
10000	15000	27000	3000	72000
7000	10000	18000	4000	49000
<u>78000</u>	<u>107500</u>	<u>218000</u>	<u>28000</u>	<u>558000</u>
<u>275000</u>	<u>395000</u>	<u>650000</u>	<u>85000</u>	<u>1880000</u>

X:PT

6-6-90 IEPA Meeting on Area I

Eric Carlson
Jim Morgan
Paul Tabara
Warren Small
Bernell Boyd
Larry Martin

Meeting basically concerned Monarchs

giving IEPA names of current owners

Site M - Thomas (Buen)

Village of Lakonia
#10 still construction was
owner before Buen, they
were the generator of site.

Site adjoining Road Creek
J. Wilson
Rose Stillman
Sheldahlagen
Meto Gads

Site 9 - Meto Haa
Estate of Myrtle Herberie

Robert Clarkson - adjoining Road Creek

66S

I asked why these named as potential
discharge to be were not added. They
and they need more work like old man

sample data etc.

Cornell Bagge said he would send
me a copy of Monsanto's title search.

Meeting only lasted ~ 1 hour.

From the desk of -

HENRY L. SCHWEICH

6/5/90

JD: paul Tandle

OK .

73

S223



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF

MAY 21 1990

N. Cornell Boggs, III
Environmental Attorney
Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167

Re: Dead Creek Site No. 60
Sauget, Illinois

Dear Mr. Boggs:

This is in response to your letter of April 17, 1990, in which you indicated that the recipients of the United States Environmental Protection Agency's (U.S. EPA's) demand letter regarding Dead Creek Site No. 60 (the site) are interested in reaching a settlement in this matter. As I indicated to you previously, U.S. EPA believes it is in the best interest of all involved to resolve this matter expeditiously.

U.S. EPA does not agree with your argument that an action to recover our response costs is barred by the statute of limitations; rather, it is our position that Section 113(g)(2) of CERCLA, 42 U.S.C. 9613(g)(2), does not apply to pre-1986 removal actions. I am not aware of the 7th Circuit case which has decided this issue in favor of your position. As I indicated to you during our phone conversation last week, U.S. EPA is prepared to defend these costs in litigation, if necessary.

As we discussed, because of the relatively small amount involved, U.S. EPA would be willing to settle this matter for less than our full response costs, in order to conserve scarce resources. I have enclosed a proposed Administrative Order on Consent, to give you an idea of the type of settlement U.S. EPA would be interested in entering. With regard to your offer of payment of \$7,228.10, as I told you, U.S. EPA cannot consider accepting less than twenty-five percent (25%) of our total response costs.

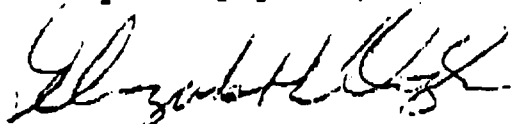
S224

6/4/90 cc. H. L. SCHWARTZ:

1. OUR EXPENSE TO THIS SETTLEMENT IS \$3125.
2. THE OTHER 3 PARTIES HAVE AGREED TO SETTLE.
3. JAY STONER RECOMMENDS THAT WE JOIN THE OTHERS AND I HAVE GIVEN HIM THE 60-AMOUNT.

I apologize for the delay in responding to your offer. Computer problems in our office made us all realize how dependent we have become on these automated machines. Please do not hesitate to contact me at (312) 886-7951 if you have any questions or would like to discuss this matter further. I appreciate your cooperation in this matter and look forward to hearing from you soon.

Very truly yours,



Elizabeth Doyle
Assistant Regional Counsel

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

DEAD CREEK SITE NO. 60

RESPONDENTS:

Monsanto Company
Cerro Copper Products Company
Midwest Rubber Reclaiming
Ruan Transportation

U.S. EPA DOCKET NO:

ADMINISTRATIVE ORDER
BY CONSENTRE: REIMBURSEMENT OF
RESPONSE COSTS.

JURISDICTION

This Administrative Order on Consent ("Consent Order") is issued pursuant to the authority vested in the President of the United States by Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), Pub. L. No. 99-499, 42 U.S.C. 9622(h)(2). The authority vested in the President has been delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order 12580, 52 Fed. Reg. 2923 (Jan. 29, 1987) and further delegated to the Regional Administrators of the EPA by EPA Delegation No. 14-14-E.

This Administrative Order on Consent is issued to Monsanto Company, Cerro Copper Products Company, Midwest Rubber Reclaiming and Ruan Transportation (hereinafter "Respondents"). The purpose of this Consent Order is for EPA to recover costs incurred at or in connection with the Dead Creek Site No. 60, also known as Dead Creek Segment B, located in Sauget, Illinois, and to resolve the liability of the Respondents for such response costs. Each Respondent agrees to undertake all actions required by the terms and conditions of this Consent Order. Each Respondent further consents to and will not contest EPA's jurisdiction to issue this Consent Order. This Consent Order will be binding upon EPA and shall be binding upon Respondents, their directors, officers, employees, agents, successors and assigns. Each signatory to this Consent Order represents that he or she is fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party represented by him or her.

STATEMENT OF FACTS

1. Dead Creek Site No. 60, also known as Dead Creek Segment B, is bordered by Judith Lane on the south and Queeney Avenue to the north in Sauget, Illinois (hereinafter "the site").

2. Hazardous substances within the definition of Section 101(14) of CERCLA, 42 U.S.C. 9601(14), have been or are threatened to be released into the environment at or from the site.

3. As a result of the release or threatened release of hazardous substances into the environment, EPA has undertaken response actions at the site under Section 106 of CERCLA, 42 U.S.C. 9606, specifically, installing a chain link fence around the site portion of the Dead Creek, and may require future response actions in the future.

4. In performing this response action, EPA incurred response costs totalling \$49,974.51. Further response costs may be incurred by EPA in the future.

5. An Illinois Environmental Protection Agency report, entitled "A Preliminary Hydrologic Investigation of the Northern Portion of Dead Creek and vicinity" (St. John, April 1981), indicates that Respondents are responsible for discharges of hazardous substances into the site.

6. EPA and Respondents desire to settle certain claims arising from Respondents involvement with the site without litigation and without admission or adjudication of any issue of fact or law.

DETERMINATIONS

Based upon the Findings of Fact set forth above EPA has determined that:

1. Dead Creek Site No. 60, also known as Dead Creek Segment B, is a Facility as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. 9601(9).

2. Each Respondent is a "person" as that term is defined in Section 101(21) of CERCLA, 42 U.S.C. 9601(21).

3. Each Respondent is a responsible party within the meaning of Section 107(a) of CERCLA, 42 U.S.C. 9607(a), and is jointly and severally liable for response costs incurred and to be incurred at or in connection with the site.

4. The past, present or future migration of hazardous substance from the site constitutes an actual or threatened "release" as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. 9601(22).

ORDER

1. Respondents shall pay to the Hazardous Substance Superfund twelve thousand five hundred dollars (\$12,500) within ten days of the effective date of this Consent Order.

2. Such payment shall be made by certified or cashier's check made payable to "EPA-Hazardous Substance Superfund." The check shall reference the name of Respondents and the site, and shall be sent to:

U.S. EPA Superfund Accounting
P.O. Box 70753
Chicago, Illinois 60673

3. Respondents shall simultaneously send a copy of their check to:

Elizabeth Doyle
Assistant Regional Counsel
U.S. EPA, Region V (SCS-TUB-4)
230 South Dearborn
Chicago, Illinois 60604

4. In addition to any other remedies or sanctions available to EPA, any Respondent who fails or refuses to comply with any term or condition of this Consent Order shall be subject to enforcement action pursuant to Section 122(h)(3) of CERCLA, 42 U.S.C. 9622(h)(3).

5. Subject to Paragraph 6 of this Consent Order, upon payment of the amount specified in Paragraph 1 of this Consent Order, EPA covenants not to sue or to take any other civil or administrative action against Respondents for "Covered Matters." "Covered Matters" shall include any and all civil liability under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), for reimbursement of response costs incurred at or in connection with the site as of ~~October 31, 1988~~ *June 31, 1990*

6. Nothing in this Consent Order is intended to be nor shall it be construed as a release or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which EPA may have against Respondents for:

(a) any continuing liability as a result of failure to make the payments required by Paragraph 1 of this Order; or

(b) any matters not expressly included in Covered Matters, including, without limitation, any liability for damages to natural resources.

7. Nothing in this Consent Order is intended to be nor shall it be construed as a release or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which EPA may have against any person, firm, corporation or other entity not a signatory to this Consent Order. *Respondent's Administrative Order by Consent*

8. EPA and Respondents agree that the actions undertaken by ~~Respondents~~ *Respondents* in accordance with Paragraph 1 of this Consent Order *Reps*

*Specifically**and shall not be considered an admission of liability for any purpose.*

do not constitute an admission of any liability by any Respondent. Respondents do not admit and retain the right to controvert in any subsequent proceedings, other than proceedings to implement or enforce this Consent Order, the validity of the *USEP* Findings of Fact ~~or~~ *and* Determinations contained in this Consent Order.

9. In consideration of EPA's covenant not to sue in Paragraph 5 of this Consent Order, Respondents agree not to assert any claims or causes of action against the United States or the Hazardous Substance Superfund arising out of ~~response activities undertaken at the site, or to seek any other costs, damages, or attorney's fees from the United States, its agencies, employees or contractors arising out of response activities undertaken at the site.~~ *such "Covered Matters."*

10. Subject to Paragraph 6 of this Consent Order, EPA agrees that by entering into and carrying out the terms of this Consent Order, Respondents will have resolved their liability to the United States for "Covered Matters" pursuant to Section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2), and shall not be liable for claims for "Covered Matters."

11. This Consent Order shall be subject to a thirty-day public comment period pursuant to Section 122(i) of CERCLA, 42 U.S.C. 9622(i). In accordance with Section 122(i)(3) of CERCLA, 42 U.S.C. 9622(i)(3), EPA may withdraw its consent to this Consent Order if comments received disclose facts or considerations which indicate that this Consent Order is inappropriate, improper or inadequate.

12. The effective date of this Consent Order shall be the date upon which EPA issues written notice to Respondents that the public comment period pursuant to Paragraph 11 of this Consent Order has closed and that comments received, if any, do not require modifications of or EPA withdrawal from this Consent Order.

05/23/80 15:15

2314 894 8421

MONSANTO-STL. MO

2008

IT IS SO AGREED AND ORDERED:

U.S. Environmental Protection Agency

By:

Valdas V. Adamkus
U.S. Environmental Protection Agency
Region V

Date

By:

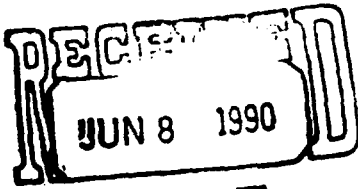
Date

Title

Company



Monsanto



BY P. T.

Monsanto Chemical Company
W. G. Krummrich Plant
500 Monsanto Ave.
Sauget, Illinois 62206-1198
Phone: (618) 271-5835

June 5, 1990

Paul Tandler
Cerro Copper Products Co.
P.O. Box 681
E. St. Louis, Ill. 62202

Dear Mr. Tandler:

An Area I PRP meeting has been scheduled for 9:00 a.m. in the Sauget Village Hall on June 12, 1990. Neither the Illinois EPA nor Illinois Attorney General's will be present.

Subjects to be discussed are:

1. The completeness of the PRP list.
2. Subdividing Area I in terms of PRP leadership.
3. Initiating PRP participation agreement discussions for Area I.

Sincerely,

Max W. McCombs
General Superintendent
Government and Environmental Affairs

6/8/90
/sdg
Attach.

cc H. L. Schwenen
J. Brown

S96

J. Schwenen will arrive early this morning to participate in this meeting, as well as in a 1 PM meeting on Area 2, Site "O", The Village Clubhouse. P.T.

PRP List - Area I

Cerro Copper Products Co.
P.O. Box 66800
St. Louis, Missouri 63166-6800

Richard M. Cohen
601 North Faring Road
Los Angeles, California 90077

Illinois State Trust Company
222 East Main
Belleville, Illinois 62220

Tony L. Lechner
153 Bon Chateau
St. Louis, Missouri 63141

Stanley Kreitman
345 Hudson Street
New York, New York 10014

Midwest Rubber Reclaiming Co.
3101 Mississippi Avenue
Sauget, Illinois 62206

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Missouri 63167

Rogers Cartage Company
9150 South Damen Avenue
Chicago, Illinois 60602-2607

Ruan Transport Corporation
666 Grand Avenue
Des Moines, Iowa 50309

Paul Sauget
2700 Falling Springs Road
Sauget, Illinois 62201

James D. Tolbird
762 Leon
Cahokia, Illinois 62206

Village of Sauget
2350 Monsanto Avenue
Sauget, Illinois 62206

Morris Weissman
345 Hudson Street
New York, New York 10014

Harold W. Wiese
205 Graybridge Road
St. Louis, Missouri 63124

Wiese Planning and Engineering, Inc. /
1200 Queeny Avenue
Sauget, Illinois 62206

Conference Call Re Area I

6/20/90

2 PM

C. BOGGS

J. SMITH

T. LOCHNER

J. KREMA

F. CROWDER

M. MARTIN

A. ANDREWS

A. KONRAD

H. BLAKE

W. WITTENBERG

R. ROBB

M. MCCOMB

Conno: Willing To Take Load, With Proper Participation, On The Technical Portion Of I and H, And Minimum Participation In Balance Of Sites.

Is Monsanto willing To Take Similar Load On Sites G, L, and CS-B?

Krema: Would Consider, In That They Have No Land Ownership Involvement.

F. Crowder For

Doris Toland - Owns ~~Parcel~~ Parcel "H" Since 1971. Innocent Party. A Problem: Willing To Permit An Investigation.

T. Lochner - Bought From Rum Who Took Over (Mons) House With Some Operation In '71 and Bought The Property In 1973 (I).

Crowder - Thinks ICPA Wants Conno and Monitor To Pay For It. Toland Will Make 70 Land Involvement, But If Expected To Do There Is A Problem.

S155

Krema:

How Does One Define Participation - About G, CS-B,

First Output - Find The Generators and How Many.

6-20-90

- 2 -

How did you like the ITPA about Protection Unit
 This One Program - looking for human money.
 Let's go to Lima for CONCLATON.

Monitors and Comms will get their respective
 revision except to go a value of the

RI/H for the Bureau of Assets. They

degenerate focus for I+H and "B", L, G, etc.
 and about 2 letters. Previously mentioned: 1/8-2.05

Dance - Not receiving permission from Agent 1.

Am looking at it. (the team Robinson)

Andrew - Return A "Recommendation" document

To convince ITPA we are serious.

First report: Come on the P.R.P.'s.

Kaczynski and Thomas to discuss with Rodrique

Nov. 3:15 PM

Travel

Kaczynski - Rodrique - PT + JMG:

6/25/90

Rodrique to James Recommendation.

AREA 1 PRP MEETING

6-12-90
9 AM

Steve Kachma: Interest in Forming Group?
ILL. EPA THREAT TO CONDUCT RI/FS?
GET NPL LISTING?

Mike R.: Reviewer Comm's Role in Area 1:
ETE IN SITE I, DEAN CREEK.
JOCILLIN ON DC-A. RI/FS. Removal Action
Planners. Stormwater Project. Removal ON
First Track. Began Nov. 8 Comm Plan.
SITE I - SIGNIFICANT SCOPE. FUTURE PROJECT -
CLOSURE.
Comm NOT WILLING TO WORK AROUND ON BALANCE
OF AREA 1 ON WIDE LIMITED PARTICIPATION.
Area 2 SHOULD TAKE PRECEDENCE, TOGETHER WITH
OUR REMOVAL ACTION.
Comm WOULD PARTICIPATING IN STUDY: \$1.8 - 2 MT.
GROUNDWATER STUDY - NOT RI/FS. - REGIONAL
ICPA WILLING TO EXCLUDE GROUNDWATER STUDY
AS A SEPARATE OPERATIONAL UNIT.

Connon Booth: Reviewed June 6 Meeting WITH ICPA
W. Smith (J. Garma and Nancy Martin were there)

Mike R.: Comm INITIATIVE IN NAMING PRP'S DID NOT
RESULT IN ICPA LISTING AS PRP'S.
Some OF THE INFORMATION WAS SPECULATIVE.

MONITOR'S CHAIN OF TITLE ISSUES DISCUSSED

6-12-90

Scoring Package Given To US - HRS-1 WAS ABOUT 3P
Roy Harris Reviewed It - ESSENTIALLY VOID.

Region 5 Involvement + Interest? Minimum.

HRS-2 Package - AT LEAST ONE YEAR AWAY (IN OMB HAND)

A. ANDREWS: THINKS A GROUP PROCLAMATION MAY CONVINCE IEPA
(CUMM) THAT THE GROUP IS SERIOUS ABOUT A COMMUNITY EFFORT.
FINES FROM COLLECTIVE EFFORT - LOCATE THE OTHER PAP'S.

MIKE R.: ILLINOIS THREAT? COULD BE FROM. THEY CLAIM TO HAVE THE
MONEY TO PROCEED.

STEVE K.: COULD APPROACH IEPA FOR ADDITIONAL SUPPORT IN LISTING
PAP'S

MIKE R.: NEW PROFESSIONAL SEARCH EFFORT IN NAMING ^{SITE} ~~AREA~~ I+H
GENERATORS. POSSIBLY SITE L. MAY NEED TO DO MORE
END TO TELL.

IF OVERALL PROJECT IS UNDERTAKEN IN AREA I CONCERN WOULD
NOT OBSTACLE INCLUDING ~~SITE~~ H WITH SITE I, BUT
PROGRAMS DOES NOT FEEL RESPONSIBLE FOR LAND IT
DOES NOT OWN OR ON WHICH IT HAS OPERATIONS.

S158

LOAN CRITICAL MASS TO INITIATE RE/FV.

COULD SUPPORT A FIRST EFFORT IN SEARCHING FOR GENERATORS.

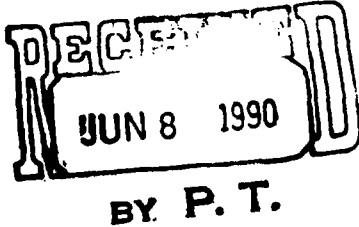
STEVE K.: NEED TO GET BACK TO IEPA WITH "SOMETHING".
SUGGESTS COMMITTEE CAN TO RE-GROUP: WED 6/20 2 PM
MIKE AND P.T. TO PARTICIPATE.

ADJOURN 10:00 AM

Area 1 PNP Meeting

6/12/90

<u>NAME</u>	<u>REPRESENTING</u>	<u>PHONE</u>
Max McCombs	Monsanto	618-482-6390
FLOYD E. CROWDER	J.D. TOLBIRD	618-281-7111
Curtis W. Martin	J.D. Tolbird	618/281-7111
Cornell Boyer	MONSANTO	314 694-6032
Stephen KRECHMA	Monsanto	(314) 694-1272
David R. Kimbriel	ROGERS Cartage	708/597-9016
ALLYN KONRAD	ROGERS CARTAGE	618-337-5555
DAVE KRAMP	ROGERS CARTAGE	618-332-5555
Michael Rodburg	Cerro	201-992-8700
Paul Tandon	Cerro Copper	618-337-6000
Horace J. Drake	Midwest Rubber Reclaiming	618-337-6400
TONY LECHNER	METRO	618-337-4233
Warren L. Small	Monsanto	314-694-1617
Andy Andrews	Ruan Leasing	515-296-3300
WALTER WITTENBERG	HAROLD WIESE	314-241-9090



Monsanto

Monsanto Chemical Company
W. G. Krummrich Plant
500 Monsanto Ave.
Sauget, Illinois 62206-1198
Phone: (618) 271-5835

June 5, 1990

Paul Tandler
Cerro Copper Products Co.
P.O. Box 681
E. St. Louis, Ill. 62202

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2. Subdividing Area I in terms of PRP leadership.
3. Initiating PRP participation agreement discussions for Area I.

Sincerely,

Max W. McCombs
General Superintendent
Government and Environmental Affairs

6/8/90
/sdg
Attach.

cc H. L. Schwaben
J. Brown

S160

6/11/90 MIKE R.

J. Brown will arrive early this morning
to participate in this meeting, as well as
in a 1 PM meeting on Area 2, site "O",
The Village Justice Lounge.
P.T.

PRP List - Area I

Cerro Copper Products Co.
P.O Box 66800
St. Louis, Missouri 63166-6800

Richard M. Cohen
601 North Faring Road
Los Angeles, California 90077

Illinois State Trust Company
222 East Main
Belleville, Illinois 62220

Tony L. Lechner
153 Bon Chateau
St. Louis, Missouri 63141

Stanley Kreitman
345 Hudson Street
New York, New York 10014

Midwest Rubber Reclaiming Co.
3101 Mississippi Avenue
Sauget, Illinois 62206

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Missouri 63167

Rogers Cartage Company
9150 South Damen Avenue
Chicago, Illinois 60602-2607

Ruan Transport Corporation
666 Grand Avenue
Des Moines, Iowa 50309

Paul Sauget
2700 Falling Springs Road
Sauget, Illinois 62201

James D. Tolbird
762 Leon
Cahokia, Illinois 62206

Village of Sauget
2350 Monsanto Avenue
Sauget, Illinois 62206

Morris Weissman
345 Hudson Street
New York, New York 10014

Harold W. Wiese
205 Graybridge Road
St. Louis, Missouri 63124

Wiese Planning and Engineering, Inc. ✓
1200 Queeny Avenue
Sauget, Illinois 62206



CERRO COFFEE
P.O. Box 66200
St. Louis, MO 63166-6200
618/337-6000

FAX: (618) 337-7273

FACSIMILE TRANSMISSION COVER SHEET

DATE: 6-11-90
TIME: 10:40 AM
TO: Michael L. Rodberg
FROM: Paul Tansler
FAX NO.: _____
NUMBER PAGES
INCLUDING
COVER SHEET: 4

MESSAGE (if any):

PLEASE CALL (618) 337-6000 - EXT. 209 IF THERE ARE
ANY PROBLEMS WITH THIS TRANSMISSION.

333
A member of The Marmon Group of companies

5-31-90 Area I PRP & IEPA Meeting

Carlson opened meeting by stating purpose.
= ~~who~~ wants to know status of a PRP proposal.

Stephan Krichma (Monsanto) said that Monsanto has been working on Area II - Site O. Also Monsanto has questions on why IEPA did not use all the names they gave them as PRP's.

- Bruce Carlson said that they notified all PRP's they could find. He said some on the list were dead.

- Doris Tolbird's attorney said that she bought her land from Roger Cartage in 1979 and did not have any knowledge of waste activity nor did she generate any waste. He said they felt that they should not be here in the first place.

- ? - Harold Wiere said basically the same thing.

- Roger Cartage said they do not own any of the land in Area I now.

Carlson said that the attorneys for Tolbrind should check the statutes for innocent landowners.

Carlson wants Areas I & II to move along the same timeline. 'IEPA thinks there are some sites which need immediate attention. Carlson said that CS-B and Site 2 pose an immediate health hazard and the other sites are more of a long term problem.

State wants Area I work to move ahead now. Max McComb stated that part of the problem was some miscommunication between the PRP's. He said that Monsanto thought that Cerro was going to take the lead. Nancy Martin (Cerro) said that as far as she knew, Cerro did not commit to that, Cerro is only interested in taking the lead on the sites owned by us; Site I & DC-A.

Morgan said EPA does not want to see the sites broken up unless RI/FS ~~work~~ are done at the same time.

then Terry Ayers said that as of July 1990 the state will begin RFPs. It would be state funded. He thought C&B and Site C would be scheduled for clean-up 1st and the state could use it's mobile monitor. Ayers said that by fall Area I would be on the GFL and then federal money would be available.

Monette again said they had questions about the # of RFPs. They asked if they could meet with IEPA. IEPA agreed the meeting is scheduled for Wednesday June 6, 1990 @ 10:00 in Springfield. The meeting will be to discuss adding more RFPs.

I asked if anyone can attend. Dave Small said we are now there welcome and I should call him as we can support. The meeting broke up at about 10:10 with RFPs ~~still~~ staying on to talk.

ATTENDANCE RECORD

DATE 5/31/90

SUBJECT: Sauget Sites - Area I

NAME	AFFILIATION	TELEPHONE
Bruce Carlson	EPA - Div. of Legal Counsel	217/782-5544
Jim Morgan	Illinois Attorney General	217-782-9030
PAUL TAKACS	EPA - PROJ MGR.	217 782 6760
Curtis Martin	Representing Doris Tolbird (PRP)	(618)/281-7111
Kenneth Kessler	Ruan Transport Corporation	(515) 245-2725
Max McCombs	Monsanto	(618) 482-6390
Warren L. Smith	Monsanto	(314) 694-1617
Doris Tolbird	James D. & Doris Tolbird	618- 337 -8304
ALYN KONRAD	ROGERS CARTAGE	618-337-5555
DAVE KRAMP	ROBERTS CARTAGE Co.	618 337-5555
Cornell Boggan	Monsanto	314 694-6032
Stephen KREHNA	Monsanto	(314) 694-1278
Horace J. Drake	Midwest Rubber Reclaiming Div.	618-337-6000
Peter Strassner	Thompson & Mitchell - Fertilizer	314 231-7676
WALTER L. WITTENBERG	GREENSFELDER, HENKER + GALE - H. WISE	314-241-9090
JOE GRANA	Cerro Copper Products	618-337-6000
Nancy Lake Martin	Lowenstein, Sandler for Cerro	(201)-992-8700
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